

# **A COMPARATIVE STUDY OF THE ROLE OF ENVIRONMENTAL NGOs IN CHINA AND SOUTH AFRICA IN CONSERVATION POLICY**

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## **DECLARATION**

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## ABSTRACT

This study explores the roles of environmental non-governmental organisations (NGOs) in conservation policy in two different political systems, one authoritarian (China) and the other a pluralist political system (South Africa). The study takes stock of the broader literature and debates on governance, participation and new institutional arrangements whereby private actors and civil society can have input into policy-making. Based on this, the study demonstrates that civil society and NGOs can fulfil various roles and undertake numerous functions in order to have an impact on the policy process. These roles can be categorised as essentially three: (1) In the supplementary model, NGOs fulfil the demand for public goods not satisfied by government; (2) In the complementary view, NGOs partner with government; they help with the delivery of public goods which are largely financed by the government; (3) In the adversarial view, NGOs prod government to make changes in public policy and to maintain public accountability (Young, 2000).

A number of factors can determine the potential for NGOs to participate in policy-making and further influence the process when operating in terms of these roles. These factors include the size of the NGO's membership; cohesiveness, skill and social status; as well its financial and other resources. Similarly, the attitudes of public officials towards the NGO as well as the site of decision-making in the political system can also factor into NGO engagement in policy-making. The political system impacts on these factors, but does not as such preclude any of the three listed roles for environmental NGOs.

This study shows that, in the field of conservation policy-making, environmental NGOs in both South Africa and China play all three roles in the political systems, as described in literature. It emerges that NGOs are active as playing roles supplementary and complementary to those of the state, and – somewhat contrary to expectations – also an adversarial role. South Africa's policy process is open to public participation at all levels of government. Formal and informal institutional arrangements are accessible for NGOs to play a role in policy-making. China's policy process on the other hand has few formal institutional arrangements for public participation; hence NGOs have limited roles to play in policy-making. Consequently, most NGOs in China use informal arrangements to participate in policy-making.

In addition, this study shows that South African environmental NGOs contribute to fulfilling democratic ideals by performing all three roles, specifically challenging and holding government accountable. However, most NGOs in fact prefer to carry out mainly the complementary and supplementary roles, but are prepared to hold government accountable where and when this is necessary. In contrast, China's environmental NGOs are not attempting to contribute towards maintaining authoritarian settings but are forced to play a more narrowly defined role. NGOs are forced to fulfil roles and functions within the system's limitations and the government's control.

## OPSOMMING

Hierdie studie verken die rol van omgewings-nie-regeringsorganisasies (NROs) in bewaringsbeleid in twee uiteenlopende politieke bestelle. Een van die bestelle is outoritêr (Sjina), terwyl die ander (Suid-Afrika) pluralisties is. Die studie neem die breër literatuur en debatte oor regering, deelname en nuwe institusionele konfigurasies waardeur privaat rolspelers en die burgerlike samelewing inspraak op beleidmaking het, in oënskou. Dit wys gevolglik dat die burgerlike samelewing en NROs verskeie rolle en funksies kan aanneem om sodoende 'n impak op die beleidsproses te hê. Dergelike rolle van NROs kan drieërlei kategoriseer word: (1) In die aanvullende model voldoen NROs aan eise vir openbare goedere wat nie deur die regering gelewer word nie; (2) In die komplementêre beskouing word NROs as vennote van die regering gesien en lewer hulle openbare goedere wat grotendeels deur die regering gefinansier word; (3) In die opponerende beskouing plaas NROs druk op die regering om beleidsverandering teweeg te bring en openbare verantwoording te doen (Young, 2000).

NROs se rolspeling en hul potensiaal tot deelname en die beïnvloeding van beleid word deur etlike faktore bepaal. Dit sluit in hoe groot die NRO se ledebasis is; sy mate van samehorigheid, vaardighede en sosiale status; en wat sy finansiële en ander hulpbronne is. Voorts, die amptenary se houdings teenoor die NRO en die besluitnemingslokos in die gegewe politieke bestel kan ook NROs se rolspeling in beleid beïnvloed. Die bestel het 'n beslissende impak op hierdie faktore, maar verhoed nie juis die uitoefening van die bovermelde rolle deur omgewings-NROs nie.

Die studie bevind dat omgewings-NROs in Suid-Afrika en Sjina al drie rolle op die gebied van bewaringsbeleidmaking vertolk. Dit strook met wat in die literatuur beskryf word. Dit is duidelik dat hul rolle aanvullend en komplementêr tot die staat is en – teen verwagtings in – dat hulle ook opponerende rolle aanneem. Suid-Afrika se beleidsproses is op alle regeringsvlakke oop vir openbare deelname. Informele en formele institusionele kanale bied toegang aan NROs om inspraak in beleidmaking te hê. Sjina se beleidsproses bied min formele institusionele toegang vir openbare deelname. Dus het NROs min inspraak in beleidmaking en gebruik hulle eerder informele kanale om deel te hê aan die beleidsproses.

Daarbenewens bevind die studie dat Suid Afrikaanse omgewings-NROs bydra tot die nastreef van demokratiese ideale deur die uitleef van al drie rolle en veral deur die regering uit te daag en verantwoording te eis. Die meerderheid van die NROs verkies egter om hoofsaaklik komplementêre en aanvullende rolle aan te neem, maar is bereid om die regering tot verantwoording te dwing sou dit nodig wees. In teenstelling probeer Sjina se omgewings-NROs nie om outoritêre bestelle in stand te hou nie – hul rolspeling is meer beperk. NROs word genoodsaak om rolle en funksies uit te oefen soos wat dit deur die bestel en regeringsbeheer toegelaat word.

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## LIST OF ABBREVIATIONS

ACEF	All-China Environmental Federation
ACO	Alexandra Civic Organisation
ANC	African National Congress
AMD	Acid Mine Drainage
AMSA	Arcelor Mittal South Africa
BEEP	Beyond Expectation Environmental Project
BOTSOC	Botanical Society of South Africa
CAEP	Chinese Academy for Environmental Planning
CAP	Climate Action Partnership
CBAs	Critical Biodiversity Areas
CBD	Convention for Biological Diversity
CBOs	Community-based Organisations
CCICED	China Council for International Cooperation on Environment and Development
CCP	Chinese Communist Party
CCYL	Chinese Communist Youth League
CEPF	Critical Ecosystem Partnership Fund
CESAs	Critical Ecological Support Areas
CGPHP	China Giant Panda and its Habitat Protection Project
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLAPV	Centre for Legal Assistance to Pollution Victims

COAL	Coal of Africa Limited
CONNEPP	Consultative National Environmental Policy Process
CPG	Climate Policy Group
CPPCC	Chinese People's Political Consultative Congress
CPUT	Cape Peninsula University of Technology
CREIA	Chinese Renewable Energy Industries Association
CREW	Custodians of Rare and Endangered Wildflowers
CSA	Conservation South Africa
CSD	Commission on Sustainable Development
CSOs	Civil Society Organisations
CWCA	China Wildlife Conservation Association
DANCED	Danish Cooperation for Environment and Development
DEA	Department of Environmental Affairs
DEADP	Western Cape Department of Environmental Affairs and Development Planning
DEAT	Department of Environmental Affairs and Tourism
EDF	Environmental Defence Fund
EEASA	Environmental Education Association of Southern Africa
EEI	Environmental Educator's Initiative
EIA	Environmental Impact Assessment
EJNF	Environmental Justice Networking Forum
ELA	Earth Life Africa
ELC	Environment Liaison Centre

EMPs	Environmental Management Programmes
EPBs	Environmental Protection Bureaus
EPL	Environmental Protection Law
ESD	Education for Sustainable Development
EU	European Union
EWT	Endangered Wildlife Trust
FON	Friends of Nature
FSC	Forestry Stewardship Council
FSE	Federation for a Sustainable Environment
FOE	Friends of the Earth
GEAR	Growth Employment and Redistribution
GEI	Global Environmental Institute
GEM	Group for Environmental Monitoring
GEV	Green Earth Volunteers
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GLPE	Greater Lakenvlei Protected Environment
GONGOs	Government-organised Non-governmental Organisations
GROs	Grassroots Organisations
HC	Habitat Council
HIP	Hluhluwe-iMfolozi Park
ICNL	International Centre for Not-for-profit Law
INGOs	International Non-government Organisation
IPE	Institute of Public and Environmental Affairs



IRBM	Integrated River Basin Management
IRN	International Rivers Network
ISO	Informal Sector Organisation
IUCN	International Union for the Conservation of Nature
KEAG	Kommetjie Environment Awareness Group
KNP	Kruger National Park
KZN	Kwa-Zulu Natal
LHDA	Lesotho Highlands Development Authority
LHWP	Lesotho-Highlands Water Project
MAT	Management and Advisory Team
MCA	Ministry of Civil Affairs
MCSA	Mountain Club of South Africa
MEC	Member of Executive Council
MEP	Ministry of Environmental Protection
MINMEC	Ministers & Members of the Executive Councils: Environment & Nature Conservation
MNC	Multinational Corporation
MoUs	Memorandums of Understanding
MPA	Marine Protected Area
MPs	Members of Parliament
MPLs	Members of Parliament of the Provincial Legislation
MSOs	Membership Support Organisations
NA	National Assembly

NABU	Naturschutzbund Deutschland
NCOP	National Council of Provinces
NDA	National Development Agency
NDRC	National Development and Reform Commission
NEAC	National Environmental Awareness Campaign
NEDLAC	National Economic Development and Labour Council
NEMA	National Environment Management Act
NEMBA	National Environmental Management Biodiversity Act
NES&APs	National Environmental Strategy and Actions Plans
NGO	Non-Governmental Organisation
NGPA	Natal Game Protection Association
NIMBY	Not In My Back Yard
NPC	National People's Congress
NPO	Non-Profit Organisation
NVT	National Veldt Trust
PNEUs	Popular Non-Enterprise Units
PRC	People's Republic of China
PX	Paraxylene
RSA	Republic of South Africa
RMF	Regulations for the Management of Foundations
RRASO	Regulations on Registration and Administration of Social Organisations
RSPB	Royal Society for the Protection of Birds
SAGRACOM	Save The Garden Route Committee

SANBI	South African National Biodiversity Institute
SANCO	South African National Civics Organisation
SANE	Society Against Nuclear Energy
SANF	Southern Africa Nature Foundation
SANParks	South African National Parks
SARGP	South African Republic Game Protection Association
SARS	South Africa Revenue Service
SEPA	State Environmental Protection Administration
SFA	State Forestry Administration
SISC	Shangri-La Institute for Sustainable Communities
SPE	Society for the Protection of the Environment
SSC	Species Survival Commission
TNC	The Nature Conservancy
TSO	Third Sector Organisation
UDF	United Democratic Front
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNEP	United Nations Environment Programme
UNESCO	United Nations Organisation for Education, Science and Culture
UCT	University of Cape Town
UK	United Kingdom
US	United States
VEJA	Vaal Environmental Justice Alliance

VSO	Voluntary Sector Organisation
WCUG	West Coast User Group
WESSA	Wildlife and Environment Society of South Africa
WFA	Wilderness Foundation Africa
WFG	Wilderness Foundation Global
WHO	World Health Organisation
WWF	World Wide Fund for Nature
WWT	Wildfowl and Wetland Trust
ZAR	Zuid-Afrikaansche Republiek

## **Chapter 1: Introduction**

### **1.1 Background and context for the study**

Non-governmental organisations (NGOs) increasingly play valuable and significant roles in environmental policy, participating in both international and domestic policy-making. International organisations such as the United Nations (UN) have “openly endorsed” the important need to work in partnership with the NGO sector (Genmill and Bamidele-Izu, 2010). The UN Conference on the Human Environment held in Stockholm in 1972 (also known as the Stockholm conference) and the UN Conference on Environment and Development in Rio in 1992 (also known as the Rio summit or UNCED) were watershed moments in marking a new era of NGO involvement in agenda-setting and influencing practices (Yamin, 2001). For example, during the Rio conference the UN introduced Agenda 21, calling on governments to form partnerships with NGOs that have valuable expertise (McCormick, 1995) and capacity in various fields that would be of “particular importance to the implementation and review of environmentally sound and socially responsible sustainable development” (UNCED, 1992). Since then governments and civil society have together negotiated environmental policy to an increasing extent and formal contact with NGOs has become institutionalised (Lane and Morrison, 2006).

This visible international recognition is a reflection of domestic developments in countries where environmental NGOs have often become key players in policy-making. Environmental NGOs played a key role in the environmental movement in the 1960s and 1970s, and helped popularise concern about the environment. The world witnessed various waves of growing environmental awareness, first developed in the 1960s and culminating by the end of that decade in national environmental laws and policies (Caldwell, 1990; Jamison, 1996). New ministries and agencies as well as new legislation were introduced by governments (Carter, 2001; McCormick, 1995), such as the British Department of the Environment, or the United States (US) National Environmental Policy Act (Bowman, 1976; McCormick, 1995). This awareness was not an exclusive movement of “the North”, but spread globally and directly influenced the rise of environmental policies in developing countries (Leonard and Morell, 1981). By 1985 18 out of 22 developing states had their own environmental departments, and

there were more than 200 national and state laws relating to the environment around the globe (McCormick, 1995: 193). Failures outweighed the successes, however, including uncertainty in the implementation of environmental statutes as well as enforcement problems by the central government's legislative authority, and the lack of a right to institute private actions (Centre for Science and Environment, 1982 in McCormick, 1995). Organisations outside of the state, including NGOs, often carried the environmental movement in developing countries. Countries such as Kenya and India had an active and vocal movement of environmental NGOs at the time. Kenya had 60 active organisations involved in tree-planting alone, the most prominent being the "Green Belt Movement", established in 1977 by the National Council of Women of Kenya (McCormick, 1995).<sup>1</sup>

The present broad range of environmental policies – from standards in waste management and pollution control to climate change actions – often started with conservation efforts. Conservation, which has a long history, was the first environmental policy area that NGOs were active in, namely the Sierra Club founded in the USA in 1892; the Royal Society for the Protection of Birds founded in the UK in 1889; and the Naturschutzbund Deutschland founded in Germany in 1899 (Carter, 2001). South Africa's first known environmental NGO also dates to this period, namely the Natal Game Protection Association (NGPA) founded in 1883 (McCormick, 1989 in Steyn and Wessels, 2000). Through the 20<sup>th</sup> century the conservation movement gained momentum as countries established more environmental policies, "ranging from the regulation of industrial pollution to the creation of national parks" (Carter, 2001), and nowadays discussing global ecosystems and climate.

Although most people became aware of the scale of environmental problems only after the industrial revolution, misuse of the environment has a history almost as long as that of civilisation (McCormick, 1995; Carter, 2001). The collapse of the Mayan civilisation hundreds of years ago can probably be attributed to deforestation and soil erosion (Ponting, 1992 in Carter, 2001). It was not until much later, however, that the industrial and scientific revolutions of the 18<sup>th</sup> and 19<sup>th</sup> centuries created the conditions leading to contemporary concern about the environment (Carter, 2001). Industrialisation and urban development accelerated environmental degradation (Carter, 2001). In the second half of the 19<sup>th</sup> century nature protectionist groups in Europe and a two-pronged movement of wilderness

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<sup>1</sup> The Green Belt Movement helped local communities establish tree plantations in open spaces, in school grounds and along roads (Harrison, 1987 in McCormick, 1995).

preservationists and resource conservationists in the USA drove major public movements focused on the environment.

Concern for endangered species effectively constituted the first category of global environmental policy-making and protecting the environment, according to Epstein (2006: 32). The emergence of conservation and nature protection groups in the latter part of the 19<sup>th</sup> and the early 20<sup>th</sup> centuries reflected a growing middle-class interest in the protection of wildlife, wilderness and natural resources (Louw and Goyder, 1986 in Carter, 2001). For example, the first national park, Yellowstone National Park, was established in the USA in 1842. Initially, the park was established for recreational and private activities, but as the conservationist wave grew and people's environmental awareness increased, Yellowstone soon became a model for national parks in many other countries. This included the Kruger National Park, established in South Africa in 1898, the first of its kind in Africa and one of the first conservation areas in the world.

People's awareness of environmental disasters and issues, including air and water pollution, became greater than before and more pressure was put on governments to address these concerns from the 1960s (Carter, 2001). In the USA the new laws became a comprehensive federal undertaking when the Clean Air Act and the Clean Water Act were passed in 1970 and 1972 (Hays, 1981). New concerns attracted an increasing amount of attention from environmentalists in the 1970s. A new environmental movement in the 1970s, also called New Environmentalism, was much more overtly activist and political, believing that radical changes needed to be implemented in industrialised societies and their institutions, notes Cotgrove (1982 in McCormick, 1995). In April 1970 approximately 30,000 Americans took part in Earth Day in what was up to that time the largest environmental demonstration in history (Bowman, 1976; McCormick, 1995; Carter, 2001). Reports and newspaper headlines proclaimed the arrival of the environment as a major public issue (*Time*, 4 January 1971 in McCormick, 1995: 55). The global community would come together at the Stockholm Conference in 1972 with a focus on putting the environment on the global agenda. As a result of these initiatives many countries developed environmental policies and ministries dedicated to issues affecting the environment.

In retrospect the 1992 Rio summit might have been a watershed moment, for instance, in the relationship between governments and NGOs (Yamin, 2001). Hundreds of NGOs contributed

to the development of Agenda 21 in collaboration with governments and other international organisations. More importantly,

the intense preparatory activity in the NGO sector leading up to and through the Rio conference showed that environmental NGOs had developed extensive skills in scientific and technical exchange, policy-making and policy implementation, which supplemented their more traditional roles in campaigning, activism and ideological conscious raising (Jasanoff, 1997: 579).

Since then environmental NGOs across a range of countries have increased in numbers, become highly diverse, operate at multiple levels and have diversified their activities (Genmill and Bamildele-Izu, 2010). NGOs participate and engage in activities such as environmental advocacy, awareness and education; offering policy advice; and public engagement with policy-making. By looking at the role of environmental NGOs, particularly in conservation policy-making, this study explores these activities systematically. Two different political systems serve as case studies, namely South Africa, a pluralistic political system, and China, an authoritarian political system.

While the transition to democracy in South Africa is complete, according to Diamond (1997), many debates have taken place as to whether democratic consolidation has occurred in the country. Authors argue that the consolidation of democracy takes place when a “newly established regime” is strong, contains legitimising democratic institutions and is not likely to return to being undemocratic (Gasiorowski and Power, 1998: 140). Other scholars emphasise that, in order for the democratic process to be consolidated, fundamental changes in political or socioeconomic conditions need to be in place. For instance, there have to be socioeconomic improvements that lead not only to a decline of popular unrest, but also to changes in undemocratic practices (O'Donnell, 1992, 1994; Przeworski, 1991; Valenzuela, 1992 in Gasiorowski and Power, 1998). Hence it is difficult to stipulate exactly what comprises consolidation and when it occurs. In South Africa democratic institutions have strengthened; however, the ruling party, the African National Congress (ANC), has remained in power for three consecutive terms since the political transition in 1994. Additionally, as a result of growing socioeconomic inequalities, increasing unemployment rates and low levels of education, popular unrest occurs regularly in South Africa. Debates about consolidation notwithstanding, South Africa is classified as a pluralistic political system in this study.



Pluralists contend that a diverse group of competing actors, including state and non-state actors, participate in decision-making. Proponents of the concept of pluralism argue that different and often conflicting positions exist and “distinct groups are actively autonomous and independent, but often interdependent, with legitimate claims and different positions on critical substantive issues”, as noted by Anderson et al. (1997: 1). Within pluralistic systems, various competing interests within and outside the government participate in the policy-making process. In South Africa this process incorporates a diverse group of actors who participate through formal and informal institutional arrangements.

Authoritarian systems are political systems “with limited, not responsible, political pluralism”,<sup>2</sup> according to Linz (2000: 159 quoted in Wischermann, 2016: 66). Individual self-determination and autonomy strictly negate “the supremacy of the individual over a group or a system” (Stenner, 2005: 16-20 quoted in Wischermann, 2016: 63). China is classified as an authoritarian political system as it officially describes itself as a Communist state, in which the ruling party is considered to be paramount. Recently, however, China has initiated a move toward “responsive authoritarianism” (Cai 2004; Weller 2008; He and Warren 2011 in van Rooij et al., 2014), where channels for public participation including “local elections, public hearings, access to courts” and the use of social media are being instituted (Van Rooij, 2012; Van Rooij et al., 2014: 4). Under this responsive authoritarianism, the Chinese government at all levels oscillates “between tolerating (and sometimes even encouraging) public participation and expression, on the one hand” and maintaining its control over society, on the other hand (Stockmann, 2012 quoted in van Rooij et al., 2014: 4).

China has an authoritarian political system and South Africa has a pluralistic political system. In South Africa there is an expectation that the policy process is open to diverse groups of actors, including NGOs, which therefore have a role to play in policy-making. In China, there is an expectation that the policy process is closed to some actors that are outside of the state, such as NGOs; hence NGOs have limited roles to play in policy-making.

While there is an abundance of literature devoted to the growth and involvement of NGOs (for example, international NGOs [INGOs], advocacy and transnational actors) in the global political economy, the linkages between the local and global are not the focus of this study.

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<sup>2</sup> Political pluralism in China is different to what it is in South Africa, which is classified as having a pluralist political system. While China includes some forms of political participation in their regulatory frameworks in policy-making, this process is very limited and not open to all actors.

The author is sensitive to the fact that advocacy and transnational networks operate in the global sphere as well as the national sphere, yet the global aspect is not emphasised in this study. The literature review (Chapter Two) does discuss NGOs and the roles they fulfil in addressing global environmental concerns broadly through their interactions and involvement in global environmental conferences. There is also a strong emphasis in the case study literature on the role of INGOs, but this research study is mainly concerned with their roles in the domestic sphere, that is, in national policy-making. Hence, the scope of this research covers the roles of environmental NGOs at the national level in China and South Africa.

In China rapid economic development has had enormously negative impacts on the country's natural environment. Today many parts of China are faced with massive air, soil and water pollution as a result of rapid industrialisation and urbanisation. Also, conservation and environmental protection are a challenge for China, with its economic development activities impacting negatively on biodiversity. Faced with these challenges, China has undergone a "green shift" in policy over the last two decades. Notably, China recently adopted a system of nature reserves with various levels of protection, including pilot-project national parks, while also seeking to expand protected areas in order to conserve the environment. This development takes place in China in the context of environmental policies and a stronger commitment to more sustainable economic growth as expressed in the five-year plans. China's first "Environmental Protection Law" was enacted in 1989 (Chen, 2009), but we have witnessed changes to the law only in recent years, including more restrictions on polluting actors and, significantly, public participation amendments. These policy changes are likely to have been influenced in part by policy pressures from affected communities, including a growing civil society sector. Since the mid-1990s China's environmental NGO sector has grown substantially and has engaged in activities such as education, conservation and policy advocacy, among others (Yang, 2005).

In contrast to China, South Africa has a long-standing and established system of environmental protection – including protected areas, with roots going back to the previous political regime and even earlier to colonial times. South Africa's first "modern" environmental policy was established in the form of the "Environmental Conservation Act No. 100 of 1982" (Hamman et al., 2012). Relatively soon after South Africa's change to a democratic political system in 1994, a new environmental policy was needed and a White Paper was prepared for new legislation in mid-1997. The National Environmental

Management Act (NEMA) was promulgated in 1998 and is considered vital by the South African government in “providing a launch pad between equitable development, environmental protection and the transition to sustainability in South Africa” (Hamann et al., 2012: 14). In South Africa the established environmental NGO sector operates on different levels, addressing a broad range of issues including education and training, conservation, environmental justice and policy, among others.

China and South Africa have very different starting points for environmental policy within their different political systems. Both cases, however, feature prominent roles for environmental NGOs. In South Africa civil society, including NGOs, is an important part of policy-making in general. After 1994 the new government implemented a vast public participation process that encourages and implements mechanisms for public participation in policy-making. Contrary to this, the Chinese Communist Party (CCP) remains the main actor and decision-maker in policy-making. However, changes occurred in policy-making processes, where mechanisms and laws were put in place for public participation, including public hearings and consultation processes since the mid-2000s when environmental issues became more prominent. In the environmental sector policy-making also includes the public in Environmental Impact Assessments (EIAs)<sup>3</sup> under the control of the prevailing authoritarian regime. Increasingly, there seems to be a role and policy space<sup>4</sup> for environmental NGOs in China, despite a strict regulatory framework for social organisations, including NGOs.

Generally, different hopes and motivations underlie the participation of NGOs in policy-making. The literature on governance and institutional arrangements indicate that there is an argument for the participation of outside actors<sup>5</sup> in the policy-making process; however, criticisms of these institutional arrangements also abound, with scholars arguing that factors such as *who* gets to participate and privileged access weakens the arguments and discussions of the governance process (Fung, 2006; Taylor, 2007). These arguments can also be seen in the light of different political systems and their institutional settings. The hope for NGO

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<sup>3</sup> EIAs are processes of evaluating likely environmental impacts of proposed projects, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.

<sup>4</sup> Policy can be defined as formal decisions, laws and the implementation of programmes (Juma and Clark, 1995 in Keely and Scoones, 2000) while policy space is where the different actors involved in policy can interact. “Policy space as a concept helps explain why some policy and institutional changes are successfully formulated and implemented in some situations but not in others” notes Keely and Scoones (2000: 92).

<sup>5</sup> In governance literature, outside actors include private actors and civil society who partake in decision-making.

participation in policy-making is that it will have an impact on the policy processes and develop increasing effectiveness, but based on this literature survey, it emerges that questions are raised regarding governing systems, institutional arrangements and concerns in participation.

Parallel to the “technical” considerations of governance and institutional arrangements, a different strand in the literature explores a further call for the participation of civil society in policy-making within the governance framework (Taylor, 2007; Lewis, 2013; Laforest, 2013). Since NGOs are viewed as a subset of civil society, the roles of civil society are examined. The traditional pluralist scholarship on civil society, which argues that NGOs are to be instrumental in the move towards countries consolidating their democratic dispensation, as they are “schools for democracy” and can hold governments accountable, have emphasised these roles (Diamond, 1997; Clarke, 1998; Mercer, 2002;). Conversely, in the light of the focus on different political systems, recent critical scholarship on civil society has also examined authoritarian systems. NGO activities in authoritarian settings in fact contribute to keeping the strict system in place (Berman, 2003; Lewis, 2015; Spires, 2011). The theoretical discussions and arguments put forward by the literature on governance and civil society shed light on the roles of NGOs in policy-making in different political systems, and in particular on the roles of environmental NGOs at the national level in China and South Africa.

## **1.2 Rationale for the study**

Increasingly, spaces that had previously been occupied exclusively or chiefly by government actors are taken over by NGOs. More and more, policy space is opening up to NGOs, while increasing complexities often require a diversity of expertise, which makes this dissertation a timely study. Many discussions in governance literature have devoted attention to the participation of “outside actors” in policy-making, for example, civil society and NGOs, as well as on the roles they fulfil (Taylor, 2007; Lewis, 2013; Laforest, 2013; Gera, 2016). Moreover, the debates in the literature on civil society, public participation and democracy are wide-ranging (Mercer, 2002; Diamond, 1997; Clarke, 1998; Gwarinda et al., 2015). Often they highlight the roles of NGOs in contributing to democratisation, not least through NGOs, which represent the voice of the population by challenging and holding governments accountable. Furthermore, NGOs are at times regarded as “schools of participation” in and of themselves (Mercer, 2002), or as other authors put it, schools for democracy (Clarke, 1998; Gwarinda et al., 2015). This expectation is linked to the observation that in authoritarian

systems there is a growth in civil society, particularly in the environmental sector. These points are discussed in the light of the growth of the middle class and the assumption that it will demand more participation and thus be instrumental to the process of democratisation. But a number of authors actually challenge these optimistic assumptions (Encarnacion, 2006; Cavatorta, 2012; Lewis, 2013). These debates in the literature illustrate a need for further study on the diversity of roles of NGOs in general, and not only in particular political systems. One of the motivations for this research was to contribute to this discussion with an empirical study on the roles of NGOs in policy-making in a specific policy area, namely conservation policy.

Part of the rationale also lies in the increasing importance of the broader environmental policy and environmental protection movement. Globally, biodiversity is increasingly being lost because of anthropogenic and natural causes. Specifically in developing countries, industrialisation, urbanisation and huge population growth are impacting negatively on the environment. In the face of impacts such as air and water pollution, new voices have been raised in public protests – including in China and in South Africa. INGOs such as the World Wide Fund for Nature (WWF), Friends of the Earth (FoE) and Greenpeace International have for decades campaigned to conserve and preserve the environment through helping to raise funds and increase their memberships (Ponting, 1991). Increasingly, more local and grassroots NGOs are being established, addressing local environmental concerns as well as keeping government officials accountable with reference to environmental regulations and standards.

Conservation issues and policy are a starting point for NGOs' environmental work in developing countries and perhaps this is the area where NGOs have the most say. When environmental concerns became a new topic in China, NGOs considered conservation as a relatively easy field to work in, unlike dealing with issues such as pollution or climate change (Economy, 2005). Indeed, "the largest, best funded, and best organised" environmental NGOs in China are often those that focus on species and nature conservation, according to Economy (2010: 153). Species protection is also seen as a politically acceptable issue to tackle as "it does not challenge the deeply entrenched political priorities placed on urban and coastal modernisation" (Economy, 2010: 153). The roots of environmental protection and conservation in South Africa go back even further, especially in the face of increased hunting in mid- to late 19<sup>th</sup> century. This concern with conservation was illustrated with the

establishment of protected areas early on, for example, the Sabi Game Reserve founded in 1889 became the nucleus of the Kruger National Park (Steyn and Wessels, 1999; Cock and Fig, 2000). The Wildlife and Environment Society of South Africa (WESSA), the largest and oldest NGO in South Africa, traces its origins to the formation of the NGPA in 1883 (WESSA, 2014a). The issue of conservation and environmental protection more broadly remains on the agenda for contemporary, pluralist South Africa, which aspires to broad-based participation of its population in policy-making.

The two countries, South Africa and China, have been selected for comparison because they are both developing countries with an expanding middle class which sees the importance of environmental protection, while striving for higher social and economic standards of living. Even though these two countries have very different political systems, both governments often speak in public discourses on the significance of conservation and how improving environmental policy plays a large role, especially in the wake of development and its impacts (for example, air and water pollution from industry). In both countries civil society groups also play a central role as in developing countries the state often does not have the capacity to realise all its objectives and tends to focus more exclusively on economic growth objectives rather than environmental concerns. Additional reasons for the selection of these two countries are discussed in Chapter Three in the section on case selection (3.2.1).

A part of the rationale for the thesis also lies within the literature review and the lack of scholarly work in this topical area. There are no other studies of this nature in the literature comparing the role of environmental NGOs in conservation policy in two different and contrasting political systems. There are general discussions regarding the policy process and actors involved within different political systems, but none specific to the environmental policy field, nor the narrower field of conservation specifically. The literature includes comparative studies of the history of environmental policy of various Western countries such as the USA and Great Britain (Vogel, 1986), or comparisons of countries with regard to the national environmental policy-making in the European framework (Prodham, 1994). Previous comparative studies carried out on environmental policy in China and other Asian countries include, for example, “A comparative study on environmental policy development processes in the three East Asian countries: Japan, Korea, and China” (Harashima and Morita, 1998), but there is no literature comparing environmental policy within the China-Africa research area. Based on the existing literature, the author could have selected an Asian country for the

comparison, but in the light of her experience in the field of China-Africa research, an African country proved to be more interesting for comparative purposes and it would also be the first of its kind. Furthermore, South Africa is the home country of the author. The author has worked within the China-Africa and environmental research field for seven years. Over this time the body of literature has not substantially increased and is somewhat marginal in terms of publications. There is a substantial need for new research on the role of environmental NGOs in policy-making in both China and South Africa, as well as other African countries. Many African countries have long and established environmental policies as well as environmentally-oriented civil society; hence, there is much to learn from their experiences and the work they have done in addressing environmental concerns.

Additionally, most of the literature on the topic of environmental policy-making and/or environmental NGOs in South Africa was written before the 2000s, with very few publications after that period (Khan, 2000; Steyn, 2002; Cock, 2004). As a result, the majority of the articles produced within this field focus on environmentalism in South Africa (Steyn and Wessels, 2000; Khan, 2000; Muller, 2007) and/or the activities of environmental NGOs during the apartheid period (Steyn, 2002) as well as through the early transition period, when the focus was mostly on the environmental justice movement (Peart and Wilson, 1998; Steyn and Wessels, 1999; Cock and Fig, 2000; Cock, 2004). In order to examine the role of environmental NGOs in policy when participation was institutionalised after democratisation, the author selected the period from the early 2000s.

In China the number of publications on environmental NGOs increased dramatically in the last decade or so, ranging from historical overviews of environmental NGOs (Knup, 1997), Chinese NGOs' environmental activism in addressing environmental challenges (Hill, 2001; Xie, 2009; Economy, 2010; Shapiro, 2012; Hilton, 2013), including the fight against the environmental impacts of dam building (Busgen, 2006; Lin, 2007), as well as NGOs' institutional role and its limits (Schwartz, 2004; Yang, 2005; Lei, 2011). A few articles also focused on China's authoritarian political system and the changes taking place in terms of outside actors such as civil society being included in the policy process (Heilmann, 2008; Mertha, 2009). Still, there remains space for further research in this growing sector in China, especially in the light of environmental concerns and the continued control and restrictions by the government on the operations of local and INGOs in China. Environmental NGOs in China seem to be increasingly included in the policy process; however, this area requires



further research and understanding regarding the shaping of the roles and the limitations placed upon them.

### 1.3 Research questions

This study aims to assess how the contrasting political systems of the two countries shape the roles of environmental NGOs in conservation policy. An underlying question is: What is the positioning of environmental NGOs in conservation policy in the institutional settings of China and South Africa? The participation of outside actors in policy-making is examined through the literature on governance and institutional arrangements. This is done in order to critically examine the institutional arrangements for environmental policy-making in both countries, not only to reveal the positioning of NGOs but also to explicate the roles they fulfil in conservation policy.

Additionally, in the literature on civil society and democratisation, most scholars have focused on the roles of NGOs in relation to contributing towards, for instance, the transition and consolidation of democracy. In the examination of the South African case, the country is classified as a pluralistic political system rather than a democratic one. This is the result of various social, economic and political factors in South Africa and because the consolidation of democracy is not yet completed (see section 1.1). There is also a growing literature on civil society in authoritarian regions and countries, with many scholars arguing that civil society in those regions often sustains the authoritarian settings through their work rather than contributing to democratic processes. These debates are empirically studied in this dissertation.

The primary research question for this study is:

***How have the political systems of South Africa (pluralist) and China (authoritarian) shaped the roles of environmental NGOs in conservation policy?***

The thesis is an attempt to answer this question by examining the historical and theoretical underpinnings of the roles of environmental NGOs in conservation policy in South Africa and China. The ramifications for conservation policy and the environmental NGO landscape at large in each country are further explored.



## **1.4 Outline of the dissertation**

This chapter offers the background and introduction to the study. Chapter Two examines theoretical discussions on the inclusion of NGOs in policy-making. It examines the literature that explores institutional settings and the roles of NGOs. This includes governance literature, which talks to the technical openness of systems through new institutional arrangements and participation of outside actors in decision-making processes. The literature review further looks at theoretical discussions on civil society and democratisation, as well as the growing interest in civil society in authoritarian settings. These theoretical discussions underpin the relevant analysis regarding governing systems and political participation in the different political systems of the two country cases chosen for this study. Chapter Two also conceptualises the concept of NGOs as they are the principal actors analysed in this study. The literature review further provides historical background on the emergence of environmental NGOs globally and their significance in policy-making today.

An overview of the research design and methodology is provided in Chapter Three. The chapter includes a detailed discussion of, and justification for, the research design and methodology, with a focus on the comparative research approach. Furthermore, it presents data collection methods and analysis, and takes research ethics into account. Limitations and delimitations of the study are also discussed in Chapter Three.

Chapters Four and Five present the empirical studies on South Africa and China respectively. These chapters look at the role of environmental NGOs in conservation policy-making in the context of each country in the light of the literature review. The empirical chapters are structured along the lines of the framework identified in the literature and theoretical chapter (Chapter Two). The results of the analysis and a comparison of the empirical observations in the chapters on South Africa and on China are presented in Chapter Six. This chapter also considers the similarities and differences between the two countries in the analysis. The final chapter further summarises the research findings and draws conclusions. Recommendations for further study are also offered.

## Chapter 2: Literature review and theoretical framework

### 2.1 Introduction

Non-governmental organisations (NGOs) are increasingly important actors both at the international and national level. Since the rise of globalisation and changes in governance, more and more actors outside of the state are playing a role in decision-making, along with a decline in states as the central and only decision-makers. These phenomena, public policy and its network theories have been widely discussed in the literature (Haas, 1992; O'Toole, 1997; Rhodes, 2006; Tantivess and Walt, 2008); other topics addressed include the rise of non-state actors, globalisation and global governance (Keohane and Nye, 2000; Weiss, 2003; Arts, 2003; Bieler et al., 2004; Arts, 2006; Schuppert, 2006; Castells, 2008); non-state actors and transnational relations (Risse-Kappen, 1995; Risse, 2007; Wapner, 1997; Hobe, 1997; Keck and Sikkink, 1999); and states and power (Strange, 1996; Mathews, 1997). Two specific research strands are used as the analytical framework of this study.

The first research strand focuses on governance and the technical openness of the system, meaning the opportunities created for previously excluded actors to participate in policy-making. The literature on this points out that “outside” actors such as private and public actors (including civil society) fulfil important roles in decision-making processes alongside states and international institutions through new institutional arrangements for participation. Criticisms have abounded, however, where claims are made that governance concepts and participation mechanisms may not actually mean that outside actors have any impact on the decision-making process. Questions are also raised about participation such as which of these outside actors participate, who is invited to participate and how are they selected? Thus, while the governance concept speaks to the opening up of decision-making processes for both government and the public, we consider to what extent this takes place and whether outside actors’ do have an impact on policy? The discussions and debates in this literature, especially regarding access to policy processes, have been examined in order to analyse how the respective political systems shape the role of NGOs in the policy process? They do so by examining the openness of the system through the regulatory frameworks and institutional arrangements for participation in different political systems, including formal and informal mechanisms and the roles of NGOs in those processes. In a pluralist political system such as

South Africa's there is an expectation that the policy process is open to outside actors; therefore, NGOs are active in fulfilling roles in policy-making. In an authoritarian political system such as China's there is an expectation that the policy process is closed to outside actors; thus, outside actors have limited roles to play in policy-making. The question is thus: How does the political system shape the roles of NGOs? And is it the same for conservation policy in both countries, or is this policy area a special case?

The second research strand looks at the literature on civil society and the roles it fulfils in different political settings. Like private actors, civil society is also seen as a key outside actor in the governance literature and plays an important role as an intermediary between society and government. NGOs are viewed as a subset of civil society, which embraces a diverse group of actors: churches, foundations, women's leagues, interest groups, think tanks, grassroots organisations and NGOs. The literature on civil society mostly concentrates on the role of civil society in democracies and its role in consolidating democracy (Diamond, 1998; Edwards et al., 2001). This literature stems from Western-dominated sources. Increasingly, however, critical voices in civil society literature focus on the rise of civil society in authoritarian countries and their activities and roles in those settings (Berman, 2003; Cavatorta, 2012; Lewis, 2013; Spires, 2011). The authors claim that civil society in these settings contribute to sustaining the authoritarian system (Berman, 2003; Encarnacion, 2006). These debates in the literature are important for this study as it examines how the different political systems of China and South Africa shape the roles of environmental NGOs in policy-making. The literature on civil society in different political systems provides an analytical lens to examine the roles of NGOs in China and South Africa, enabling an understanding of how the political system contributes to shaping the roles of these actors in policy-making. The literature mentioned above describes the specific roles set for civil society actors in the different political systems. This study investigates whether these roles are the same for the environmental NGO sectors in China and South Africa. Do they contribute to upholding the current situation in authoritarian settings in China by only fulfilling certain roles, and do they contribute to democratisation and sustaining other democratic principles in pluralistic South Africa by the roles they fulfil? What do the answers to these questions tell us about the political systems shaping the roles of NGOs?

With these points in mind, we are going to first look at the technical aspect (governance) and then civil society in the environmental sphere. The chapter looks at governing systems and

political participation whereby the policy process is defined and discusses the different actors involved. Distinctions are made between different political systems and the associated policy-making processes. The concept of an NGO is also conceptualised as there are many debates on types of NGOs and the roles they fulfil. The final section provides a background to the emergence of environmental NGOs as well as a typology of the range of NGOs.

## **2.2 Governance: the technical openness of the system**

Over the last few decades the government no longer makes all the decisions as a sole entity, nor does it hold all the power. Increasingly, scholars have written about how decision-making has become more horizontal rather than top-down (Bingham et al., 2005) in different political regimes. Different networks of actors, from the public to the private and non-profit sector, have a stake in decision-making processes (Bingham et al., 2005). The concept of governance defines the policy-making system as open and as including interactions and processes among the various actors in these networks. The focus is no longer on the central position of the state, but on the increasing presence and inclusion of other political actors, such as the private sector and civil society (Dzatkova, 2016). This section discusses the concept of governance, namely the openness of the system through the creation of institutional arrangements so that outside actors can participate; it also examines the critical discussions indicating how open the systems are, who actually participates and whether they have an impact on policy.

### **2.2.1 Defining governance and the evolution of the concept**

Various academic fields have explored the concept of governance, including sociology and urban planning, public policy-making, administration and political science (Bingham et al., 2005). Several scholars have put forward definitions of governance, for instance, Pierre who states that

governance refers to sustaining coordination and coherence among a wide variety of actors with different purposes and objectives such as political actors and institutions, corporate interests, civil society, and transnational organisations. What previously were indisputably roles of government are now increasingly seen as more common, generic, societal problems which can be resolved by political institutions but also by other actors (Pierre, 2000: 3-4).

In this definition Pierre makes the point that governments are no longer the dominating actors in orchestrating governance processes. Dzatková (2016) cites the definition of governance by Potucek as “a system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector” (2005: 396 in Dzatková, 2016: 378). In this definition various actors – including the state, civil society and the private sector – interact and manage the affairs of the state. In another definition the governance concept is described as “the formation and stewardship of the formal and informal rules that regulate the public realm, the arena on which state as well as economic and societal actors interact to make decisions” (Hyden, 2004 in Dzatková, 2016: 378). In this view the formal and informal rules are what constitute the institutional arrangements in which policy processes take place. Taking these definitions into account, governance is considered an opening up of the system where a diverse group of actors, including the state, private sector and civil society, come together to make decisions about policy.

Many scholars further note that it is important to recognise that “government” and “governance” are not synonymous terms. The differences are as follows:

Government occurs when those with legally and formally derived authority and policing power execute and implement activities; governance refers to the creation, execution, and implementation of activities backed by the shared goals of citizens and organisations, who may or may not have formal authority and policing power (Rosenau, 1992 in Bingham et al., 2005: 548).

In this regard, other outside actors that are separate from the government, such as private actors and those in the non-governmental sector, may also form part of governance structures and the making of policy. Jun (2002 in Bingham et al., 2005: 458) points out that in understanding the governance concept as an activity, it becomes evident that power in decision-making is shared, citizen independence is encouraged, and a process for developing the “common good” through civic engagement is provided. While this statement may hold some truth for pluralist political systems, which are open to a diverse group of competing actors participating in decision-making, one must consider whether the same applies for authoritarian political systems. Indeed, there is a growing body of literature on countries with authoritarian systems that have embraced the concept of governance as well as civic engagement; however, as Jun notes, the sharing of power in decision-making and

encouraging the autonomy and independence of citizens in these systems would need further examination. “Power and rights” are ultimately focused within an elite group of members who exercise control over others in authoritarian systems, according to McLangan and Nel (1995: 1). Consequently, the concept of governance is not beyond criticism, especially because of the weakening of democratic institutions and the uncertainty regarding actors’ responsibility in policy-making, on the one hand, and the fact that the concept cannot apply to different political systems and states “in the same manner”, on the other hand (Dzatkova, 2016: 379). Thus, it is essential to consider how open new governance systems are to outside actors in different political regimes, as this ultimately shapes the roles they are able to play.

Taylor therefore contends that the move from government to governance “created opportunities” for those actors who had previously been excluded from policy-making (2007: 297). At all levels of governance, from the international to the local level, a variety of actors are increasingly being given opportunities to participate in institutional processes. This is also seen in different political systems, from open democratic and pluralist systems to closed authoritarian political systems. Even in regions where authoritarianism still prevails, specifically in the Middle East and parts of Asia, actors outside of the government are included in decision-making as governments seek diverse kinds of knowledge and input in order to deal with the current complex issues they face both nationally and internationally (Cavatorta, 2012). There are a number of points in the concept of governance that can be identified in authoritarian countries, including new opportunities created for actors that were previously excluded from the policy process. In authoritarian countries various informal and formal institutional arrangements exist for political participation of outside actors. China established an appeals system, allowing citizens who encounter injustice to appeal to higher-level authorities. As political participation is limited in China, appeals are regarded as the main form of participation within state and society exchanges (Cai, 2004). Still, even while these opportunities are created, questions are raised regarding the openness of the system to outside actors and whether they can have an impact on policy. As Cai notes,

the political space created by the appeals system enables citizens to take both individual and collective action [...] yet, such participation is managed, in that its nature is determined by the political system and government policies, which affect the cost of action and the odds of success (2004: 427).

The discussion on governance can, therefore, be viewed as significant in order to examine to what extent authoritarian and pluralist systems are open to outside actors and what roles NGOs fulfil in policy processes specifically.

It is also important to point out the origins of the concept of governance. Several developments in the latter part of the 20<sup>th</sup> century drove the debate on the reorientation of the role of the state in society (Pierre, 2000). Firstly, many authors noted that governments were seen not to have the capacity to address all society's demands and tasks (Birch, 1982; Crozier et al., 1975; King, 1975 in Pierre, 2000: 4). Secondly, challenges arose in the 1980s and 1990s which confronted the majority of democracies in the West with a severe financial crisis, leading to the role of the state being questioned further (Pierre, 2000: 4). The state was also forced to cut back as a consequence of the financial crisis; this especially had an effect on the delivery of public services (Pierre, 2000). As a result, "innovative forms of governance" were sought (Dzatkova, 2016: 377); these included new strategies for public service delivery such as the state and civil society sharing responsibilities (Pierre, 2000). In this approach the state is seen as acting strategically and depending on outside actors to provide services (McLaverty, 2011). Thus, the notion of governance does not necessarily imply that government has been side-lined, but it does represent innovative ways for governments to achieve their aims rather, according to Pierre and Peters (2000 in McLaverty, 2011: 2). In another view, the concept of governance came about in response to the process of globalisation, in which nation states were losing capacity to manage their own economies (Taylor, 2007). Also, challenges from within the government system, such as growing diversity and the need for acknowledgment from different interest groups (Daly, 2003 in Taylor, 2007) weakened the "political legitimacy and integrity" of nation states, according to Newman (2001 in Taylor, 2007: 299). However, as noted by McLaverty (2011), governments were not necessarily being weakened by sharing their responsibilities with other actors, specifically in service delivery.

### **2.2.2 The relevance of institutional arrangements and participation in political systems**

Within the framework of the governance concept, new institutional arrangements and forms of participation have developed both at the international and domestic level for a variety of new role players, such as private, public and non-profit actors. This study, for example, focuses on the legislative processes for participation by examining the roles of environmental



NGOs in conservation policy. Bingham et al. (2005: 547-548) discuss the activities of public agencies as ranging from “the legislative or quasi-legislative to the judicial or quasi-judicial.”<sup>6</sup> In their definition quasi-legislative processes include

deliberative democracy, e-democracy, public conversations, participatory budgeting, citizen juries, study circles, collaborative policy-making, and other forms of deliberation and dialogue among groups of stakeholders or citizens” (Bingham et al., 2005: 547-548).

These processes are increasingly important to the operation of public institutions at all levels of government (Bingham et al., 2005). In this definition the authors refer to democratic states, which call for the field of public administration to perform its democratic obligations and pursue “its self-interest” by creating new opportunities for citizen participation in governance so that their voices may be heard (Bingham et al., 2005: 250). New institutional arrangements are created for participation in order to realise democratic ideals. In this way the political system may shape the roles of NGOs in policy-making by opening up the system and creating participatory spaces. Still, while participation may be considered a defining characteristic of democracy, political participation or regimes as a governance tool are not “intrinsically democratic”, as Smith and Dalakiouridou (2009: 2) point out. New institutional arrangements for participation have also been created in authoritarian states, but this is not necessarily done for the purpose of achieving democratic ideals.

The process of participation – including deliberation, collaboration, citizen engagement, mediation and facilitation within regulatory frameworks – is used at all levels of governance (international, national, state and local) (Bingham et al., 2005). Some of these new types of governance processes in both pluralist and authoritarian political systems involving the participation of outside actors are examined in this study. During the process of deliberation, for instance, multiple points of view are considered by participants, and problems and potential solutions are discussed critically (Bingham et al., 2005). Deliberations occur in public forums, where decision-makers come together with the public, to discuss new policy initiatives and/or inform the public about new policies. In China technical experts and academics are invited to deliberate on draft policy. However, these deliberations do not take

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<sup>6</sup> Quasi-judicial processes include mediation, facilitation, mini-trials, summary jury trials, fact finding, and binding and non-binding arbitration (Bingham et al., 2005). While these processes are important, they are not relevant to this study as the focus here is on legislative processes and the involvement of NGOs.



place in public forums but are rather held privately or within the party policy structures of the Chinese Communist Party (CCP). In pluralist countries open and public policy forums are considered part of the policy-making process. Thus, here one can see how the “openness” of the governance process may not be similar in different political systems. Additionally, quasi-legislative new governance processes can also occur in participatory processes such as roundtable discussions, focus groups, public meetings and other arrangements between partners (Bingham et al., 2005). In pluralist and democratic systems participation by the public takes place in institutional arrangements such as roundtables and public meetings, which are often formal avenues for participation. In South Africa meetings must be held with the public at all levels of government. In authoritarian systems these new governance processes may also take place, but mostly at an informal level. Governments in authoritarian systems invite outside actors to forums or roundtables, as seen in China, but this is done informally. Again, the government concept cannot apply to different political systems and states “in the same manner”, as noted by Dzatкова (2016: 379), as new governance processes do not function in the same way in the different regimes. Through these processes and their openness, we can begin to see how political systems shape the roles of outside actors in policy-making.

It is, therefore, important to note that these participatory processes vary in different dimensions, which can include the extent to which the general public are incorporated into the process – whether or not the process occurs in a public space, whether there is genuine deliberation on policy, whether or not relational or rational discourse takes place, whether the government empowers them or not, and whether or not there is a tangible outcome (Fung, 2003; Fung and Wright, 2001; Ryfe, 2002; Torres, 2003; Williamson, 2004 in Bingham et al., 2005). For example, selected stakeholders may be included with communities of interest or deliberations may take place in a private, confidential forum, or in a mass public process (Williamson, 2004 in Bingham et al., 2005). In authoritarian political systems the process of selecting stakeholders to participate still takes place, but outside actors often have to be “invited” to a forum or meeting with the state. In a pluralist political system there may also be occasions when selected stakeholders are invited to participate in a policy process, as the government or relevant department already has a list of stakeholders involved in that particular policy area.

Informal processes also take place in different political systems, including small groups of public conversations, where the focus is on “relational communication” and exchanging information; as well as in larger public meetings that entail a planned structure and dialogue (Ryfe, 2002 in Bingham et al., 2005). Deliberation in these processes may be viewed as an end in itself, or the aim may be for outside actors to make specific policy recommendations (Torres, 2003 in Bingham et al., 2005). This is a process that can take place in any political system where public processes are hosted by the government, and often just means that they are passing on the message and not necessarily mean that other actors get their voices heard on issues.

Fung (2006: 66) develops an institutional framework for examining the assortment of possibilities for the participation of the public in governance and points out three important dimensions along which mechanisms for participation vary: “who participates, how participants communicate with one another and make decisions together, and how discussions are linked with policy or public action.”

In the first dimension, regarding who participates, participation processes are either open to anyone wishing to engage, or some procedures are open only to “elite stakeholders” such as the representatives of civil society groups (Fung, 2006: 66). In these latter processes representatives are invited. The second dimension on communication specifies how information is exchanged by participants and how decisions are made, as Fung notes that often in the public meetings information is simply conveyed to the participants. This means that government officials simply host meetings to “announce and explain policies” (Fung, 2006: 66). The third dimension describes the linkages between the deliberations that take place and the policy action that is implemented (Fung, 2006). This means we need to consider whether or not interactions between the various actors actually lead to policy implementation. These are important elements of participation to consider and understand when examining the role of NGOs in policy-making in different political systems. Although participation mechanisms may be implemented and for the most part considered positively, one also has to take into account other aspects such as who is involved and how information is exchanged in policy forums or “debates.” The openness of the system may vary in different regimes and subsequently lead to varying roles of NGOs in policy processes.

An area where new governance processes have taken particular hold is in the environmental policy sector, where environmental governance has branched out globally over the last few

decades (Bingham et al., 2005). From the local to the international level new governance processes – including roundtable discussions, focus groups, dialogues in policy-making, forums for multi-stakeholders, and different kinds of partnerships – advance and include participants from the government, civil society, the private sector and the general public (O’Leary et al., 2005; Durant et al., 2004 in Bingham et al., 2005: 554). These new governance processes are evident in different political regimes, including pluralist, democratic and authoritarian political systems, where multi-stakeholder forums, roundtables and partnerships of all kinds are identified. However, as noted earlier, these processes do not necessarily occur in the same way in different regimes and the openness of the systems may also vary.

At the international level governance processes were used in environmental policy in attempts to forge international consensus. Negotiations by nation states at numerous global environmental summits included “conventions, protocols, declarations, agreements, and other texts providing substantive guidance on the obligations of nations in relation to the environment” (Bingham et al., 2005: 554). For example, during the 1992 Rio summit on sustainable development the conference was attended by 172 governments together with approximately 2,400 NGO representatives (Bingham et al., 2005: 554). Agenda 21, adopted at the summit by more than 170 governments, is a comprehensive plan for sustainable development. The goal was for Agenda 21 to be taken up globally, then nationally and locally, by various organisations of the UN, governments and other major groups working on the environment. Both China and South Africa adopted Agenda 21. In this regard, international agreements in the environmental sphere such as Agenda 21 “represent a quasi-legislative effort at environmental governance” (Bingham et al., 2005: 554).

As an illustration of environmental governance and participation at the domestic level, Durant et al. (2004) look to the example of the USA. In the adoption of environmental legislation in the early and mid-1970s, most of the regulatory processes were formed as “direct command-and-control regulation” (Durant et al., 2004: ix). These environmental policies were successful in that political aims were achieved and they eventually led to an improvement in environmental quality in the USA. Additionally, these policies led to environmental institutional and governance approaches being established. However, outside actors such as “business, industry, economists, and others” and some local officials criticised the early laws despite their successes, declaring them as “inefficient, burdensome and

inflexible” (Durant et al., 2004: ix). They further condemned the fact that the regulatory process excluded citizens (Durant et al., 2004). Consequently, legislation was passed in the late 1970s incorporating reforms designed to make implementation more flexible; for example, the national and local government levels had more say in the management of pollution concerns in their specific jurisdictions (Durant et al., 2004). Additionally, processes for participation were included in the legislation where citizens could also get involved in developing programmes on environmental protection as well as local plans for particular issues such as watershed management (Durant et al., 2004). Since then new governance processes and institutional arrangements increasingly developed in the environmental policy-making sphere across the globe and in many countries and different political systems.

This section discussed new governance processes in different political systems. It also considered how the concept of governance has led to the relative technical openness of the system, but other factors come into play such as the extent to which the systems are actually open.

### **2.2.3 A governance perspective of civil society**

The previous section discussed the openness of new governance processes. Increasingly, critical voices in the literature question how truly open governance and new institutional processes are, and whether outside participating actors actually do have an impact on the policy process. Even though actors are given the opportunity to participate in policy-making, does this mean that they have any impact on that process? Are their concerns and/or recommendations taken into consideration and implemented in policies? Do other factors such as funding and resources feature in the impact of other actors on the policy process? These concerns can be explored in terms of the different political systems and their institutional processes, which are either open to actors such as NGOs, or they are closed and limit their engagement. Globally, a substantial body of research contends that opportunities for outside actors (for instance, communities) “to exercise real influence” is limited in new governance processes (Cooke and Kothari, 2001; Hickey and Mohan, 2004 in Taylor, 2007: 297).

Criticisms (Newman, 2001; Gittell, 2001 in Taylor, 2007) have included the point that governance discourse fails to address matters “of power, agency and accountability”, as well

as the different bargaining positions of partners that are ultimately unequal (Jones, 2005 in Taylor, 2007). It is important to note that governance spaces

are spaces into which communities/citizens are invited by the state and which are created and defined by the state ('invited spaces') as opposed to spaces created and defined by citizens ('popular spaces') (Cornwall, 2004 in Taylor, 2007: 300).

Therefore, if outside actors are invited into policy or governance spaces, then it's expected that it could mean governments or decision-makers can choose who it is they invite. In that way, limitations within the participation process is already seen. Moreover, if actors have to be invited to the process, then there may be further limitations on their potential to have an impact on the process. In terms of different political systems, this point can especially be seen in the case of authoritarian political systems rather than pluralist systems. Often in authoritarian systems outside actors are invited to participate in the policy process as formal participatory processes are limited.

There are three routes whereby power by the elite is reinforced and reproduced, according to Somerville (2005 in Taylor, 2007), especially evident in authoritarian political systems. They include "recentralisation, responsabilisation and privileged access to decision-making" (Taylor 2007: 300). Regarding recentralisation,

Newman contrasts the almost utopian emphasis in some governance literature on decentralised, network forms of governance with the reality of a recentralisation of political control, which limits considerably 'the scope for participation to contribute to a more open and reflexive style of governance' (2002 in Taylor, 2007: 301).

For instance, participation processes are more entrenched in institutional arrangements and all aspects of life (social and economic) are routinized (Flynn, 2002 in Taylor, 2007). This has meant that participation is viewed as a technical process rather than a political one, according to Taylor (2007). In responsabilisation, welfare services and the responsibility for implementing them "is pushed down the line" to lower levels of government, even as far as the grassroots levels (Taylor, 2007: 301). The state's withdrawal from addressing the finer details can thus be interpreted as a "technique for government" to shift responsibilities and costs onto communities (Hickey and Mohan, 2004 in Taylor, 2007: 302). This is seen in both pluralist and authoritarian systems. In China the responsibility for service delivery has for the most part moved down to becoming the responsibility of local government officials and their

departments. In the environmental policy field NGOs and other actors such as think tanks and environmental organisations are given the responsibility for implementing projects and service delivery related to environmental education and monitoring the environment. While this should be the role of government agencies, these responsibilities are often shifted down to outside actors such as NGOs that have the expertise to do so.

Regarding privileged access, Swyngedouw (2005 in Taylor, 2007: 302) notes how new governance processes privilege certain actors “through entitlement and status, the mobilisation of discourse alliances which ignore or silence alternatives and new forms of governance established as a regulatory framework for managing a beyond-the-state policy.” In this way, any voices that may be challenging the government or do not have certain entitlement benefits or status may be shut down or ignored. For example, often larger well-known NGOs with status may be more privileged and gain access to policy processes, unlike other smaller unknown NGOs. Moreover, the “rules of the game” are largely framed by governments and regulatory procedures are enshrined “in central guidance [and] cultures of decision-making” (Taylor, 2007: 302). This is further examined within the different political systems, where in an authoritarian setting there are perhaps stricter rules or channels in the decision-making process. In pluralist states participation can be expected to be more open because the participation process is enshrined in the constitution. However, the central government can still be seen to dominate the process, particularly if the democracy entails rule by the government majority. There are different types of democracies. In South Africa the African National Congress (ANC) has been in power since 1994 and the Executive Council has increasingly made policy decisions on its own.

In terms of the “rules of the game” largely framed by government actors in authoritarian states, we just have to look at the idea of civil society and self-organisation in authoritarian political systems:

In most contemporary authoritarian states, governments permit non-state associations to operate as formally self-organising structures, with their own internal decision-making processes, delivering services that the state is unable (or unwilling) to provide and achieving some element of representation (albeit in a limited, corporatist manner) for under-represented groups in society (Lewis, 2013: 331).

Authoritarian states have attempted to promote self-organisation and service delivery within civil society, alongside restricting their activities through various methods (Lewis, 2012). One approach is through regulatory frameworks for civil society groups that “legally restrict” organisations’ ability to interact in “public sphere-type activities” (Lewis, 2013: 332). For example, in Ethiopia legislation was adopted in 2009 which prohibits the registration of organisations that receive more than 10 per cent of their funding from foreign donors and who also engage in activities such as:

the advancement of human and democratic rights, (k) the promotion of equality of nations, nationalities and peoples and that of gender and religion, (l) the promotion of the rights of the disabled and children’s rights, (m) the promotion of conflict resolution and reconciliation and (n) the promotion of the efficiency of the justice and law enforcement services (Hailegebriel, 2010 in Lewis, 2013: 332).

Similar shifts are seen in Russia where in 2012 restrictions were introduced on NGOs that engaged in “political advocacy.” The restrictive term was defined to include “forming public opinion” and influencing state organs’ decision-making (Government of the Russian Federation, 2012 in Lewis, 2013: 332). Moreover, civil society groups and activists in many states who carried out activities that were regarded as “counter-hegemonic discursive” faced criminal charges (Lewis, 2013: 332). For example, in Vietnam members of “political civil society”, consisting of marginalised groups with limited support, faced arrest for “distributing reactionary propaganda” (Thayer, 2009: 12 in Lewis, 2013: 332). Similar experiences of civil society organisations have also been seen in China, which has a central government that controls and limits the work of NGOs and other civil society groups in a very strict way. Also, unlike environmental groups, NGOs working on humanitarian issues, inequality, AIDS activism or gender-based issues are often kept under close watch by the government. Moreover, as discussed later in the study, foreign organisations in China are also under close scrutiny as they are perceived to be spies or trying to promote democratic values in the country. Consequently, while political space has opened up for NGOs and organisations, and they are encouraged to deliver services where the government cannot do so, many constraints remain in place in authoritarian political systems. Furthermore, in considering the threat of being arrested or banned, civil society groups are thus unable to achieve “organisational self-



governance” or the ability to put forward different views and openly express them under such repressive constraints (Lewis, 2013: 333). Ultimately, the collective research on civil society points to the fact that political context is important, particularly in shaping the nature of civil society and the impact it has on democracy (Encarnacion, 2006). Still, civil society is not always democratic “or even civil”, McCarthy (2015: 713) notes. Furthermore, its structure will reflect the nature of the political regime that provides its context (McCarthy, 2015).

Governments thus fulfil an important role in “delimiting spaces for political action” (Laforest, 2013: 235). They do this by shaping access, making available resources and providing opportunities for participation; who is included and excluded can be managed by government (Immergut, 1992; Hall, 1993; Mahoney, 2004 in Laforest, 2013: 235). By doing this, governments send a message on which actors are legitimate and support an understanding of the role of NGOs in society (Laforest, 2013: 235). Often in the environmental policy field it is the larger NGOs, both national and international, that are viewed as legitimate actors, mainly due to the fact that they have resources and funding, access to research and knowledge, as well as the capacity to undertake more high-level tasks than local or grassroots NGOs do. In this way, the legitimate actors in policy-making can be seen as those who have the necessary resources and funding, as well as the capacity to take on responsibilities that the state is unable to see to.

Consequently, in terms of local or grassroots organisations participation in policy, power and resource differences may also factor and disadvantage them (Taylor, 2007). The literature on public policy-making literature also takes this aspect into account when it comes to the roles of NGOs in policy-making, arguing that other factors such as finance, resources, size of membership, the site of decision-making and the attitude of officials have an impact on whether or not NGOs can participate in the policy process. These factors are further discussed in section 2.3.3.3. This question is related to privileged access as often larger, well-resourced NGOs are given the opportunities to participate in policy-making. Thus, while the governance concept calls for a diverse group of actors in the governing process, there are many other factors that determine who is actually allowed into that policy space. As Gera notes,

certain NGOs have more clout in influencing policy because they have more counterpart funds. Partnerships with government can be made easily because of strong resource backing. NGOs with a mass base and broad appeal among the constituency



are also strategically selected by ruling regimes to mobilise support, and such NGOs become fixtures in multi-stakeholder environmental programmes (Gera, 2016: 507).

Thus, within the limitations of institutional arrangements and their frameworks, actors have to work towards effecting change (Laforest, 2013). In China, for instance, NGOs have to work within the institutional arrangements of the authoritarian political system in order not to only influence policy in some way, but also to operate and have their organisations remain open. Because of the authoritarian system, the institutional arrangements are much more tightly controlled and closed except to only a few outside actors or organisations.

While governance “extends beyond the confines of government”, the state remains the predominant actor (Pierre and Peters, 2000; Gera, 2011 in Gera, 2016: 502). The design of the institutional arrangements and the governance mechanisms significantly impact on the structuring of “relationships and networks, as well as on shaping policy outcomes”, according to Klijn and Kloppenjan (2006 in Gera, 2016: 502). While there are these institutional arrangements for public participation in policy, it is very limiting and established in a way that constrains the public and determines how they may actually participate. In authoritarian countries there are very few formal structures for participation and in this way the government is able to control the process and how much civil society may have an impact on policy. In pluralist systems there are formal institutional arrangements for public participation, but even in this regard policy outcomes can be shaped by how these arrangements are implemented or used.

In keeping with the example of environmental governance, issues regarding the effectiveness of governance and the roles of civil society are further identified. Gera (2016: 502) examines the extent of institutionalisation of public participation in environmental governance in the Philippines using the “three-pillar framework of the Aarhus Convention and Principle 10 Guidelines<sup>7</sup>: access to information; public participation in decision-making; and access to justice in environmental matters.”

Gera’s study lists a number of political economy constraints to public participation in environmental governance that can be explained in terms of the three pillars. Firstly, regarding access to information, Gera (2016) notes that limiting access to information

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<sup>7</sup> The Aarhus Convention “focuses on the interactions between the public and public authorities in environmental matters” (Gera, 2016: 502).

through legislative processes already weakens public participation. So if NGOs or other public actors cannot access information relevant to environmental transgressions or issues, then the participation of these actors in policy is limited. In pluralist systems access to information is usually enshrined in the constitution and hence through public participation processes civil society can access information. In authoritarian systems access to information may not be as open to the public as in pluralist systems. This can be the government's way of keeping control. Still, in recent years in China the government has given the public increasing access to information, for instance, on pollution and the top polluting companies/industries. This was a major step for environmental NGOs who could use the information to hold polluters accountable.

Secondly, regarding access to decision-making, Gera (2016) notes that having access that is integrated into formal processes of decision-making is important to the impact that civil society can have. Thus, in pluralist systems often the formal participation of outside actors including civil society is included in the policy-making process as a whole and not only applicable to environmental policy. In authoritarian systems there are fewer formal channels and thus access may be limited in decision-making; however, increasingly in the environmental sector informal access is allowed in some cases. In the example of the Philippines, Gera notes that civil society in the environmental sector exercises considerable influence in policy-making; however, the pattern of participation reveals various constraints. This includes the spill-over effects of a fragmented bureaucracy and patrimonial system, and the extent to which civil society participation and impact in decision-making actually takes place (Gera, 2016).

Informal channels are often used in both pluralist and authoritarian political systems in order for civil society to access the decision-making process. These can include informal and personal relations with government officials. However, this could also be a further constraint for public participation and civil society as “informal, ‘back channel’ or midnight negotiations” are extensively used by governments and may reach far beyond the public's access (Gera, 2016: 506). Another constraint to access to decision-making is civil society fragmentation and limited mandate over representation. While civil society groups are viewed as partners with the government in public service delivery, insistent questions remain regarding the mandate of some civil society groups who engage with governments. This includes whether or not they genuinely represent the public's “environmental aspirations”

(Gera, 2016: 506). This constraint reflects arguments mentioned earlier regarding who gets to participate in the policy process, who is given access and how are they selected. While there may be a diverse group of civil society organisations working with government in environmental policy, this does not mean that these groups are necessarily representative of the public. The government may invite them to join the process because they hold certain views that are more in line with the government's. Thus, in authoritarian systems, when civil society or other outside actors are invited to the policy process, this could be to fulfil government objectives rather than goals that are in the public interest.

Thirdly, there are also further constraints in terms of access to justice, especially for grassroots-level organisations (Gera, 2016) as participation depends upon the changing agenda and priorities set by the state. These constraints are evident in the different political systems. In authoritarian systems access to justice is not a given, as illustrated earlier by Lewis (2013). By limiting the roles and access of civil society, authoritarian governments can maintain its control over them. Only recently has China included in its environmental regulations the provision that a certain number of environmental NGOs may take polluters to court (Environmental Protection Law, 2015), but by limiting the number of NGOs who can do this, the government maintains its control. Thus, in authoritarian states participation in policy-making remains weak in monitoring enforcement and implementation, in particular in opposing environmental policies put forward by the government or private actors (Gera, 2016). Civil society groups often have to keep government officials in check through the media or the courts. Similar aspects can be seen in authoritarian states where participation of NGOs is welcomed, but only to the extent that they do not attempt to challenge the government. In pluralist systems access to the justice system is set in regulation for civil society, therefore it is expected that they use this avenue to impact policy. Civil society and NGOs can monitor and hold government accountable where there are environmental violations in policy. In South Africa environmental NGOs prevented the government from entering into a nuclear energy deal with the Russian government because the obligatory public participation processes did not take place, nor were the environmental implications of the deal considered and opened for public input (ENCA, 2017).

It is important to note these constraints as they indicate significant aspects of the participation process that may hinder the impact of NGOs and other outside actors on the policy process. Examining and reflecting on these constraints further contributes to understanding how

different political systems shape the roles of NGOs in policy-making and, more specific to this study, the role of environmental NGOs in conservation policy-making.

#### **2.2.4 Governing systems and political participation**

This section examines the policy process and the main actors involved. It scrutinises *who* is understood by the term “unofficial actors” and how they are positioned in the institutional arrangements of the policy process. This section also examines the different actors in policy-making and how they operate in the contrasting political systems. Conservation policy in China and South Africa is the focus of this study, which explores empirically how much space there is within the institutional arrangements of the regulatory framework for environmental NGOs to take part in policy and how the different political systems shape the roles of NGOs.

In authoritarian regimes in Asia governments increasingly tried out “political participation and deliberation” processes that are controlled, in the end producing “hybrid regimes” over the last few decades (Heand Warren, 2011). In hybrid regimes authoritarian rule is mixed with political processes such as “elections, consultative forums, political parties and legislatures” that would generally be associated with democratic systems (He and Warren, 2011: 2). The case of a hybrid regime, Morocco, is examined further below. In this regard China is a significant and important case, as it remains an authoritarian country that is led by the CCP, yet at present a variety of “participatory and deliberative practices” permeate the government, according to He and Warren (2011: 2).

##### **2.2.4.1 Defining the policy process and actors involved**

Keeley and Scoones (2000: 89) argue that there are three core processes to policy-making: “agenda setting, decision-making and implementation.” The links between these stages of the policy process are “firmly linear” according to the same authors: the first stage is where problems are identified and alternatives are evaluated; secondly, decisions are taken by competent experts; and thirdly, the implementation of decisions takes place (Keeley and Scoones, 2000: 89). “Public policies emerge in response to policy demands, or claims for action or inaction” on a given public issue by citizens, groups, or public officials (Anderson, 1994: 6-7). In response, officials have the authority to decide on the content and direction of policy. Policy demands can be made at different levels in different political systems because

of the nature of that system. In authoritarian countries civil society rarely make demands compared to other political systems because of the controlling nature of the political system. The concept of policies has been defined by many authors, but ultimately policy refers to the patterns of action taken over time by government. Policy is also defined as a “statement by government of what it intends to do or not to do”, according to Birkland (2005: 139). Examples in the environmental policy area are the National Environmental Management Act (NEMA) in South Africa, and the Environmental Protection Law of the People's Republic of China (PRC), both of which are a statement of government policy toward the environment.

In their definition Howlett and Ramesh (1995: 51) contend that “policy subsystems”, which includes state and societal actors, make policies. Some of the actors are closely involved in the policy process, while other actors only engage in the process from a distance. The authors describe policy subsystems as “forums” where the actors involved discuss the relevant policy issue as well as use strategies of persuasion in order to “bargain in pursuit of their interests” (Howlett and Ramesh, 1995: 51). Interactions in policy subsystems occur under official engagements around policy-making, which as a result affects the way in which the actors pursue their interests and ideas. They may also affect the potential success of their efforts (Howlett and Ramesh, 1995). This may be true for the case of China, where the government aspires to maintain a very strict and top-down way of making policy from the political centre. If NGOs can participate in an official policy process, the top-down nature of the process may affect the way in which the NGOs pursue their goals, possibly restricting them to certain strictly prescribed processes. In South Africa the official policy process may be less strict than in China; however, it may still have the potential to affect the way in which NGOs pursue their interests. In order for NGOs to achieve their goals or interests, they may adapt their strategies to align with the goals of the government.

Anderson (1994) takes this point further by stating that in order for policy-making to be sufficiently studied, it cannot take place apart from the environment (political, social, economic and other) or context in which it occurs. The “environment” in this context can be understood as political, social, economic and so forth, and to a certain degree includes ecology<sup>8</sup> (Anderson, 1994). “Systems theory” contends that policy actions derive from events in the environment and “are transmitted to the political system by groups, officials, and

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<sup>8</sup> Broadly viewed, “the environment includes geographic characteristics (climate, natural resources, and topography); demographic variables (population size, age distribution, and spatial location); political culture; social structure, or the class system; and the economic system” (Anderson, 1994: 46).

others” (Anderson, 1994: 46). This ultimately both limits and guides the effectiveness of policy-makers (Anderson, 1994). This dissertation examines the policy processes within the contexts of the different political systems of South Africa and China. In this regard, the political system is viewed as the environment in which the roles of NGOs may be shaped. The nature of the political system may shape the role of NGOs and consequently determine their impact on the policy process.

It is understood that the different political systems here – authoritarian and pluralist – would have different policy-making processes for the actors involved. This study demonstrates that authoritarian countries have a narrower process than pluralist states, and this would also apply for conservation policy.

#### **2.2.4.2 The actors in policy-making: who dominates the process in political systems?**

Various authors have defined the actors in the policy process differently. Howlett and Ramesh (1995) claim that actors in policy-making could be individuals or groups. Membership of a policy subsystem may vary in different countries and policy sectors and over time (Howlett and Ramesh, 1995). These authors divide policy actors into five categories: elected officials and appointed officials who reside in the state; and interest groups, research organisations and mass media who reside in society. In authoritarian states the first two categories are in large supply and make all decisions concerning policy, while the latter three work under different conditions in the political system. In pluralist states the first two categories “make” policies and “take” decisions. The latter three are included in the public participation processes. In environmental policy, often the latter three fulfil an important role in pluralist societies.

Actors who have the legal authority to formulate policy are considered “official policy-makers”; they include legislators, executives, administrators and judges (Anderson, 1994). Laws or the Constitution give official policy-makers responsibilities to make and enforce policies. They are joined by outside actors such as interest groups, political parties, research organisations, the media and individual citizens, “without any explicit legal authority (or duty) to participate” in the policy process (Anderson, 1994: 54). These other policy participants engage in policy “because they have the right to be”; additionally they promote and protest interests of importance; for instance, people can effectively express their collective desires for policy through interest groups (Birkland, 2005: 53). For example, the

media have a constitutional right to “freedom of the press”, because of their roles as “watchdog” or information providers (Birkland, 2005). In authoritarian countries the media are often limited in what they can do as the government controls their work; the media cannot decide on their own on what to report and face restrictions on government-defined topic areas. Accordingly, Cleary states,

authoritarian regimes seek greater control over the flow of information, not only because of their desire to maintain control over their populations which are increasingly unsettled because of the changes being introduced into their social environment but also because of their belief in their superior understanding and knowledge of ‘what is next’ (1997: 10-11).

In authoritarian regimes there are clear attempts made to “control the content of publicly available information”; this is especially seen through the restrictions placed on the media (Cleary, 1997: 10-11). In China media are restricted and for the most part state-owned. This ensures that the public only sees and hears what the government wants them to know about. Also, access to information is denied “to parts of the country and to individuals” in authoritarian regimes and this further illustrates the point that the government seeks greater control (Cleary, 1997: 11).

The most influential role players in policy may be different actors in different political systems. Some may be in the executive, others in the legislature. Legislators are often engaged in the central tasks of law-making and policy formulation. In the formulation of policy in democratic states legislators have a more important role to play than in authoritarian countries (Anderson, 1994). In China the legislature exercises many of its powers in name only, as in the National People’s Congress (NPC). The CCP is paramount and makes the decisions within party structures, while the NPC’s role is “simply to ratify” those decisions (Lawrence and Martin, 2013), acting as a rubber-stamp legislator only. In democratic states legislators generally play a more fundamental role in presidential systems (as in the USA) than in parliamentary systems (as in Great Britain). Some states, such as Oman and Saudi Arabia, do not have legislatures as public policies are executive or monarchic products (Anderson, 1994).

Howlett and Ramesh (1995), also contend that the executive (or cabinet) is one of the main players in the policy subsystem, because the central role of the executive derives from the



authority the constitution provides them. While there are other outside actors engaged in policy-making, the executive has the authority “to make and implement policies” (Howlett and Ramesh, 1995: 53). Anderson (1994) contends that in developing countries the executive probably has even more influence in policy than in more modern industrialised countries, as the executive is free to establish policies without worrying too much about building coalitions (Dror in Anderson, 1994). In many developing countries the policy-making structure can be viewed as quite simple, as the executive dominates, while outside actors have little influence because of their limited independence from political institutions (Anderson, 1994).<sup>9</sup>

Though the central or national government may “choose to delegate powers to lower levels of government or dictate to them,” their role is in effect unchallenged, according to Howlett and Ramesh (2005: 62). In China policy-making powers are at times delegated to the lower levels of government, which is not surprising given the size of the country and complexity of issues. In principle, however, the central government retains control over all decision-making. In South Africa all levels of government have policy-making powers; also there are extensive public participation processes in place. However, in recent years the executive has begun to reclaim many decision-making powers.

Notably, international actors have also come to fulfil a role in domestic politics (Howlett and Ramesh, 2005). They may be individual advisors, national governments’ consultants, or international organisations. Their influence, however, varies in domestic policies as the nature of the political system also affects the roles of international actors in policy-making (Howlett and Ramesh, 2005).

International actors can be expected to be influenced in sectors that are fragmented subsystems because such fragmentation allows them greater opportunity to intervention. Conversely, international actors find it difficult to influence policies where the associated subsystem is coherent and united in opposition to external intervention (Howlett and Ramesh, 2005: 60).

In a nominally Communist China, where the policy process is closely controlled and top-down, there may be very little space for outside actors such as international organisations to engage at this level. The new law on foreign organisations in China and the enforced

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<sup>9</sup> In federal or unitary states a clear chain of hierarchy links the different levels of government, which “reduces the complexity of multi-level governance and policy-making” (Howlett and Ramesh, 2005: 62). In France and China the national government retains, in principle, all decision-making powers (Howlett and Ramesh, 2005).



restrictions, for instance, illustrates how the political system is opposed to outside actors engaging in “their” policy process. Still, in China and in many other authoritarian countries international organisations and international NGOs (INGOs) have played important roles in society, especially in providing services that the government did not have the capacity to supply. Even in militarised authoritarian countries such as Burma (discussed later in the chapter) international organisations provided much-needed aid and services to the local people. Regardless of these activities and services by INGOs or other international organisations, their ability to have an impact on policy in those political systems will be difficult or impossible, as the government limits their activities.

In pluralist political systems there may be more space for international organisations to have an impact on the policy process, especially when they have the resources and capacity to do so. This may be because the political system is more open to other actors engaging in policy. In the environmental field international organisations such as the International Union for the Conservation of Nature (IUCN) play an increasingly significant role in many countries and their environmental sectors, especially in consulting with governments. But their influence may still be limited in some political systems where governments attempt to restrict the roles of outside actors. International agreements, however, are usually heeded as a matter of international convention or law.

While NGOs were not specifically discussed in this section, they are viewed as being a subset of the broader debates and discussions on outside actors in the policy-making process. Because environmental NGOs are the primary actors examined and analysed, they need to be conceptualised and discussed separately regarding the significant roles they fulfil.

### **2.3 The concept of civil society as an umbrella for NGOs**

Civil society is an important concept to discuss in this literature review as NGOs form part of the broader civil society sector. Civil society comprises a variety of organisations and individuals who work in different areas such as human rights, development, education, women’s issues, religious activities and, most relevant to the focus of this study, *environmental issues*. The broader debates on civil society have looked at their increasingly important role in global and national affairs (advocating and lobbying for important issues to be put on the agenda, thus engaging in the policy process), as well as at their involvement in

former state-only activities (Keane, 1988; Sands, 1989; Tolbert, 1992; Calhoun, 1993; Chandhoke, 1995; Raustiala, 1997; Genmill and Bamidele-Izu, 2010).

Civil society is a constantly changing concept. In the late 1980s many authors related civil society to the need for a free public sphere and independent associations, as well as to the issue of civil rights (Arato, 1981; Cohen, 1988; Keane, 1988). Merdinger (2001) characterised civil society “as a sphere of social life that is public but excludes government.” Wapner (1996: 4) notes that civil society can be understood to be that space of “social engagement existing above the individual yet below the state.” Diamond (1997) defined civil society as “open, voluntary self-generating” organised social life that is “autonomous, and bound by a legal order or set of shared rules.” The definition by Cohen and Arato (1992) defining civil society as persons, institutions, and organisations “that have the goal of advancing or expressing a common purpose through ideas, actions, and demands on governments” is used in this study. This definition also speaks to the NGO concept as referring to organisations that aim to advance a common purpose through ideas and actions, as well as holding the government accountable. This definition is used to examine environmental NGOs and their various roles. Civil society is, therefore, a concept that encompasses formal and informal associations outside of the state and market such as religious and academic institutions; mass media; issue-focused groups such as NGOs; publishing houses; theatre practitioners and film-makers (Carothers, 1999; Diamond, 1997).

Over time many shifts have taken place in governance and development, where the main role players have changed. In earlier years much of the focus and decision-making was part of the state’s activities; however, since the late 18<sup>th</sup> century the modern idea of civil society began to emerge. In the Enlightenment the “conviction that society exists prior to ruling authority” dominated thinking and individual freedoms were emphasised (Geremek, 1992: 4-5). While individual human rights were emphasised in this understanding, public opinion was also given a significant role and expressed as “collective will” (Geremek, 1992).

Modern ideas of civil society emerged in the mid-19<sup>th</sup> century, when political theorists such as Georg Hegel made the distinction between state and society, locating civil society in-between these two sides (Carothers, 1999; Kaldor, 2003). Hegel defined civil society as “the territory of mediation” (Hegel quoted in Kaldor, 2003: 584) and included the economy. This definition was later taken up by socialist thinkers such as Karl Marx, who viewed the state as “an instrument of class rule and a servant of capitalism,” the goal being to abolish the state

and form a stateless society (Geremek, 1992: 5). This new way of thinking reflected the changing economic realities of the time including “the rise of private property, market competition, and the bourgeoisie”; it also grew from the demand for freedom that gained momentum during the American and French revolutions (Carothers, 1999: 18). Theorists such as Marx are used nominally in China, where references are made to social thinkers by government.

The concept of civil society narrowed again in the 20<sup>th</sup> century to being understood as occupying the “space outside the market, state and family”, and not only the space between state and society (Kaldor, 2003: 584). Kaldor (2003: 584-585) points out that Antonio Gramsci, the Italian Marxist, distinguished between “hegemony, based on consent, and domination, based on coercion.” After World War II the Gramscian concept of civil society was revived as a “special nucleus of independent, political activity, and a crucial sphere of tyranny” (in Carothers, 1999: 19). In South Africa these ideas of civil society as propounded by thinkers such as Gramsci were evident during the apartheid period, when anti-apartheid activists used the ideas in their campaigns and thinking.

In the 1990s the growing democratic trend opened up space for civil society in a number of countries. Interest in civil society was sparked by public fatigue “with tired party systems” in the US and Western Europe and was revived as a means of “social renewal” (Carothers, 1999: 19). Market reforms and privatisation in the developing world provided space for civil society to step in as governments reduced their range of functions, while “the information revolution” created new ways for empowering citizens and building connections (Carothers, 1999: 19). Previously, the state controlled (or aspired to control) all levels of society; today decentralisation, democratic ideas and the empowerment of local populations are increasingly evident (Mercussen, 1996).

There were also shifts in the operations of role players in environmental governance with the emergence of civil society, especially NGOs. Authors such as Hobe (1997) and Charnowitz (1996) attribute this shift as possibly being due to the rising global challenges which have limited states in responding effectively, hence granting other economic and political actors access to global policy-making. Theories such as “neoclassical economic theory” indicate that the development of civil society groups stemmed from the failure of governments and markets to efficiently provide public goods and services (Young, 2000; Wagner, 2000 in Lane and Morrison, 2006). In China, while references are still made to thinkers such as Marx,

the Chinese government has embraced a neo-economic model, or as they call it, a “social market economy with Chinese characteristics.” This model is based on the dominance of the state-owned sector and an open-market economy, and has its origins in the Chinese economic reforms introduced under Deng Xiaoping in the 1970s and 1980s (Deng and Jing, 2011). The roles of civil society are discussed later in the chapter.

### **2.3.1 Civil society in a pluralist society: force for public participation and democracy?**

In the traditional pluralist definition of civil society discussions on the concept often have normative elements, leading to an assumption that civil society and its sub-set, NGOs, are somewhat “a force for good” (cf. Mercer, 2002). Hadenius and Ugglä (1996 in Gwarinda et al., 2015) identify the two main roles of civil society that can be used to analyse NGO activities: education and encouraging pluralism. Firstly, in its educational function, civil society is regarded as responsible for increasing a culture of accountability of the state and citizen participation in public affairs (Gwarinda et al., 2015). Secondly, in terms of pluralism, civil society is considered to foster political participation by influencing the public policy process through advocacy, lobbying and mobilisation, as well as facilitating structured policy dialogue and consultation with state structures (Hadenius and Ugglä, 1996 in Gwarinda et al., 2015). In the literature on civil society NGOs are viewed as a force for democracy, both through increasing participation, but especially in terms of challenging the state and being a voice for citizens on issues relating to their interests.

NGOs are also viewed as “schools for participation” through getting citizens involved in social and political processes. In international development discourses NGOs were key elements in embodying concepts such as “civil society”, “democracy”, “good governance” and “social capital” (Tvedt, 1998 in Mercer, 2002). The analysis of civil society by Putnam (1993, 1995) as being “the sum of voluntary organisations” was most influential in the late 20<sup>th</sup> century in understanding civil society (in Mueller-Hirth, 2009: 424). In this interpretation liberal democracy’s strength and stability depended on “associational participation” to ensure the protection of the individual (Howell and Pearce, 2001 in Mueller-Hirth, 2009: 424). NGOs, it was argued, were significant bolsterers of civil society, mainly because of their democratic and participatory approach (Bratton, 1989 in Mercer, 2002).

This pervasive acceptance of NGOs as “democratic actors” owes more to ideology than to the widespread debates on the development of politics, according to Mercer (2002). The

relationship between civil society, democratisation and NGOs assumes that, through their activities, NGOs as part of civil society support democratic processes (Mercer, 2002). Additionally, Diamond (1997) states that “a strong and plural civil society” is needed not only to watch over the government, but also for the purpose of legitimating the authority of the state.

Civil society is thought to play a major role in democratic transitions (Mercer, 2002). Civil society contributes to the development and consolidation of democracy by working towards restraining the power of the state, according to Diamond (1997). After the democratic transition of a state, this function involves “checking, monitoring, and restraining the exercise of power” and holding state actors accountable to the law (Diamond, 1997: 36). For example, the Evilio Javier Foundation in the Philippines monitored the government by its performance and even assessed individual ministers and representatives (Diamond, 1997). NGOs strengthen civil society and democratic development through challenging state autonomy at both national and local levels by “pressing for change and developing an alternative set of perspectives and policies”, says Mercer (2002: 9). In this regard, Brazilian NGOs are noteworthy; for instance, Garrison notes that “before, during and after” the period of transition NGOs made key contributions to social welfare and towards public policy by acting as “watchdog” over the state and initiating national civic campaigns (in Mercer, 2002). The idea that civil society can be a challenger of government and act as the voice of public protest could be viewed as a major threat to those in power and potentially dangerous especially for authoritarian governments that seek to control society.

The media as part of civil society also play a vital role in holding governments accountable (Diamond, 1997). Exposure may not guarantee disgrace of those in power, or deterrence, but it can facilitate the process of holding governments accountable (Diamond, 1997). For example, the emergence of an increasingly independent press helped civil society groups put pressure on Mexico’s political institutions to reform (Diamond, 1997). Also, civil society serves democracy by articulating, aggregating, and representing interests beyond the political party (Diamond, 1997).

A second function of civil society in democratisation is to increase citizens’ skills and political efficiency, as well as to promote an appreciation of democratic rights (Diamond, 1997: 41). Voluntary associations were considered large free schools, where the general theory of association could be learned by all the members of the community (Diamond,

1997). By pluralising, there are more opportunities for a diverse group of interest groups to have a “voice”, and more opportunities to create “alliances of civic actors to place pressure on the state” (Mercer, 2002: 8). Clarke (1998) has argued that the rapid growth of NGOs and their political roles has led to an “associational revolution”, for example, in Southeast Asian countries such as Cambodia, Indonesia and the Philippines. In Indonesia and Vietnam NGOs have multiplied in response to the hegemony of the state “rather than the weakness of formal institutions” (Clarke, 1998: 41).

NGOs also work with grassroots organisations that are often comprised of poor and marginalised groups. In doing this, NGOs widen and deepen opportunities for participation by the public – both in terms of geographic reach and organisational capacity (Mercer, 2002). Simultaneously, the interests of marginalised groups are represented by NGOs who also campaign on their behalf and seek to influence public policy (Mercer, 2002). As an example, through roles such as watchdogs and voluntary organisations, NGOs in South Korea became important in “pursuing further participative democracy” for the country (Kim and Moon, 2003). At first the roles of NGOs were limited to organising protests against the authoritarian regime and providing social services, but they eventually moved into policy areas as they became more institutionalised (Kim and Moon, 2003). NGOs have gradually become a means to organise and “convey the public’s voice to the state” (Kim and Moon, 2003).

This section has highlighted the many functions/roles of civil society (and its subset, NGOs) in the pluralist tradition. In this traditional definition of civil society and what it represents, most authors have claimed that civil society is a force for good, especially in its contribution to developing and consolidating countries transitioning towards democracy. Moreover, civil society in this tradition is viewed as fulfilling important roles as schools for democracy, encouraging citizen participation, as well as challenging and monitoring the state and holding it accountable. Again, these traditional ideas of civil society can be viewed as a threat to authoritarian countries, especially because it encourages challenging and monitoring the state, providing a voice for public protest, therefore, making it a potentially sensitive issue for governments in authoritarian political systems. Consequently, in the last few decades there has been an increasingly critical literature on civil society and the functions it serves/provides.

### **2.3.2 Civil society in authoritarian/non-pluralist societies: force for democracy or preserving the status quo?**

Most [...] contemporary authoritarian states permit the existence of formally autonomous organisations engaging in activities beyond the direct control of the state [...]. They are able to coexist with a wide range of non-governmental associations, raising important questions about the nature of modern authoritarianism and the status of these civic groups (Lewis, 2013: 325).

The last few decades have seen an increase in scholarship criticising the traditional literature on civil society which views civil society as a force for good, especially in its contribution to developing and consolidating democracy (Encarnacion, 2006). Authors have increasingly written about the concept of civil society and its function in authoritarian settings (Berman, 2003; Giersdorf and Croissant, 2011; Cavatorta, 2012, among others). Civil society in militarised regimes such as Fiji and Burma have been examined by McCarthy (2015). Here, civil society organisations provided public services such as aid during times of crisis. In Burma “the state’s neglect of social welfare services [...] created a space for local civil society organisations to operate” (McCarthy, 2015: 715). In the 1990s, a period when NGOs blossomed, civil society organisations provided humanitarian relief, small infrastructure projects, schools and teachers for communities in government-controlled areas, and help with funerals at the local or village level (McCarthy, 2015).

For the most part, this scholarship has concentrated on countries in Latin America, the Middle East as well as parts of Asia. A body of literature has developed on the state and civil society in transition and the role of NGOs in democratisation in Asia, and in South Korea in particular (Kim, 2000; Kim and Moon, 2003) as well as in Taiwan (Fan, 2000, 2004). Increasingly, however, scholars are focusing on the role of civil society in maintaining the status quo, that is maintaining authoritarian institutions where they have been established and operate. Civil society organisations, including NGOs, adapt to their situation and use the political system and institutional settings in order to achieve their goals (Spires, 2011). Spires illustrates this with the example of grassroots organisations in China, which are either unregistered or registered as private companies, and who often get on with their operations by having informal relations with local government officials (Spires, 2011). While the situation



might differ at the central level of government, at the local level officials have the power to make decisions and hence grassroots NGOs tend to form relationships with them in order to operate. In this way, the authoritarian political and institutional settings may actually benefit grassroots NGOs in some ways.

Civil society in the pluralist tradition “allegedly teaches citizens to be engaged and broad-minded”; similarly they train activists required by a democracy (Diamond, 1994; Edwards et al., 2001 in Berman, 2003: 259). Many scholars, according to Berman, have viewed the expansion of civil society in many parts of the Middle East as the chance “for political liberalisation and even democratisation” to take place in the region (Berman, 2003: 259), as well as be a “powerful antidote to radical Islam in the Middle East”, for instance (Encarnacion, 2006: 362). This is similar to the function of civil society in the fight against the communist regimes in East and Central Europe and authoritarianism in Latin America (Encarnacion, 2006). In Central and Eastern Europe civil society is said to have waged “heroic struggles against Communism” (Encarnacion, 2006: 360). Still, in many countries in both regions civil society has weakened rather than expanded during the development of democracy (Encarnacion, 2006).

In China the major growth of civil society, specifically environmental NGOs, is often viewed as a move towards democratic ideals or democratisation in the country. Chinese civic environmental NGOs signify a “viable form for cultivating civic engagement” notes Tang and Zhan (2008: 426). Nevertheless, the relationship between the environmental NGO sector and the government continue to be uncertain. On the one hand, the government is generally interested in the help of environmental NGOs to assist with the implementation of projects and therefore, tolerates the sector, especially those that are believed to be non-oppositional. On the other hand, the same authorities may be concerned with efforts by NGOs to act as “agency watchdogs” (Tang and Zhan, 2008: 427). Thus, with NGOs inability to oppose the Chinese government and with the increasingly strict control over the civil society sector in law, democratisation does not seem possible in the near future.

The assumption that civil society promotes democratic governance came under criticism in the mid-1990s (Ndegwa, 1996; Berman, 1997 in Cavatorta, 2012). The concept of civil society had reached peak levels where it was believed that civil society could lead to the dismantling of corrupt and incompetent governments, deliver social services, advocate for



human and civil rights, as well as promote good governance and economic prosperity. However, the main claim was still that a strong civil society contributed to democratisation. This was problematic, according to Encarnacion (2006).

Many studies now suggest that a strong civil society is not necessarily democratic, and that the strength of civil society cannot alone guarantee the stability or longevity of democracy. Quite the contrary, under some conditions a strong civil society can debilitate democracy and even cause its collapse (Encarnacion, 2006: 359).

Many forms of authoritarianism are found, and many governments in these systems deal with issues or obstacles differently (Cavatorta, 2012). For example, Burma relies heavily on the repression of the military, which operates “exclusively in isolation from the population,” while hybrid regimes such as Morocco survive by using a range of strategies such as “co-optation and divide and rule” (Cavatorta, 2012: 5). In order for the different authoritarian regimes to deal with the social transformations they face, they use different instruments.

The differences that exists between authoritarian regimes imply that the ‘societies’ they face are also very different from one another and it becomes therefore impossible to generalise whether civil activism in authoritarian contexts weakens or strengthens the regime, as it might be responsible for the latter in one case and for the former in another (Cavatorta, 2012: 6).

These arguments illustrate that civil society in authoritarian regimes or any other regime may contribute to the strengthening of that regime, an observation explored further in the chapter on China.

What civic organisations are and what role they fulfil in different political systems has been the subject of a longstanding and controversial debate (Wischermann et al., 2016). In their functions as “amphibian bodies” that promote a link between state and society, civil society also serves as a useful tool for authoritarian governments, say Giesdorf and Croissant (2011: 5). Their functions include providing relevant information and acting as a mechanism for feedback for the government, and organising their members as “vote-banks” for the government, thereby strengthening the autocracy (Giesdorf and Croissant, 2011: 5). In this way, civil society does not act as a school for democracy. There might be very little

contribution “to the evolution of civic norms, beliefs and attitudes” (Giesdorf and Croissant, 2011: 5).

Some authors (e.g. Edwards and Foley, 1996; Roth, 2004) warn of the “dark side” of civic organisations, since many of these organisations show features of authoritarianism in their intra-organisational decision-making processes (Wischermann et al., 2016). Both citizens’ engagement in civil society and their involvement in the political arena is not viewed as a blessing as “both carry significant risks for democracy” (Encarnacion, 2006: 359). Thus, according to the same author, the “dark side” of civil society comes from the same sources underpinning democratic virtues. Citizens can just as easily employ social capital in order to undermine democracy. For example, the social trust that emerges in civil society organisation such as church groups, trade unions and scouts groups can also be found in gangs, militias and terrorist organisations (Encarnacion, 2006).

There are authors who warn that civil society in authoritarian political systems may actually deepen political problems in some regimes rather than move them towards democratisation; for example, NGOs that are regarded as the “very embodiment of civil society” have been found to foster “the very ills they are meant to help cure: authoritarianism, corruption, and lack of accountability” (Encarnacion, 2006: 357). Examples of this were seen in Egypt, where Islamic civil society organisations served as a base for Islamic fundamentalist movements and to launch a revolutionary challenge to the status quo, according to Berman (2003).

Traditional civil society literature has not sufficiently studied the way that civil society's influence is dependent on its political context (Berman, 2003). As the case of Egypt illustrates, civil society growth depend on its effects on the wider political environment, not its virtue of being good (Berman, 2003). Where regimes have weak political institutions and are viewed as incompetent, as in Egypt, “civil society can work to undermine political stability further by alienating citizens from traditional political structures”, according to Berman (2003: 266). Thus, civil society provides fertile ground for a revolutionary and opposing movement to grow (Berman, 2003).

From these points in the literature it is evident that civil society and NGOs in authoritarian settings fulfil particular roles because of the political system. In these settings it is clear that the political system shapes the roles of NGOs by regulating their operations, enforcing things like registration as well as controlling the ideas and work of civil society and NGOs, not allowing them to challenge the state or spread anti-state ideas. Therefore, in the case of

NGOs in authoritarian settings, the roles of NGOs are limited. However, in the environmental sector of other countries NGOs have successfully challenged and held environmental violators accountable; therefore, in the environmental sector we may see other significant roles fulfilled by NGOs. This study looks at whether or not the roles for NGOs are the same for China's environmental NGOs and the conservation policy sector?

### **2.3.3 Conceptualising NGOs - and the challenge of NGOs in non-democratic countries**

While political participation in governing systems is a broad concept and includes the public as a whole, this study sets boundaries by focusing on major organised groups in civil society, particularly NGOs (local, national and international), and their participation in the policy process. This helps to narrow the focus of the study to examining institutional arrangements for participation by legally organised entities (that is, registered NGOs) in civil society.

Authors classify NGOs differently from one another in terms of their function, operational levels, and structures, objectives and membership (Fisher, 1997; Mercer, 2002). NGOs can range from “loosely organised groups” with few staff members who are unpaid to large organisations with multimillion-dollar budgets and the resources to employ hundreds of staff members (Mercer, 2002). In developing countries many grassroots NGOs are small, loosely organised groups with few resources that rely on donor support (Mercer, 2002). Often INGOs based in those countries have major resources and the capacity to fulfil organisational objectives. Local NGOs are established and operate in developed and developing countries, aiming to serve local people (Haque, 2011). In contrast, INGOs (typically originating from developed nations) operate worldwide and often connect to local NGOs in different countries (Haque, 2011). NGOs can also range from being purely voluntary groups that have no affiliation with or support from the government, to groups that are founded and maintained by governments (Fisher, 1997).

Authors note various similar organisational terms are often used interchangeably to describe an NGO. These include:

- “non-profit organisation (NPO),
- voluntary sector organisation (VSO),
- third sector organisation (TSO),

- community-based organisation (CBO),
- grassroots organisation (GRO),
- informal sector organisation (ISO),
- and civil society organisation (CSO)” (Haque, 2002; Holloway, 1997; Martens, 2002 in Haque, 2011: 4).

CBOs and GROs are sometimes designated as membership support organisations (MSOs) (Fisher, 1997). There are some differences between the terms, with the NGO possessing a few distinguishing factors (Haque, 2011). Both NGOs and VSOs often rely on volunteers; however, NGOs also employ staff. In terms of their position between state and society, and their separation from the government and the private sector, NGOs are similar to TSOs, but many clubs and associations who are representative of TSOs and based on the “mutual interests of their members” do not meet the requirements of NGOs (Haque, 2011: 4).

CBOs often address local or community problems rather than national issues as NGOs do. Also, GROs are much smaller organisations, usually working on a single issue in their communities and generally do not have employees who are paid (Haque, 2011). In contrast, NGOs can be rather large organisations who employ skilled staff (Mercer, 2002).

Characteristics of ISOs include being independent and informal, while NGOs are “regulated, formal, and relatively durable organisations” (Haque, 2011: 4). Finally, in relation to the TSOs, “CSOs represent the third sector” and are all-encompassing (Haque, 2011: 4). As noted before, CSOs include think tanks, churches, community groups and voluntary initiatives, many of which do not qualify as NGOs (Wagle, 1999 in Haque, 2011).

Additionally, CSOs often do not have to be legally registered or have formal structures unlike NGOs (Holloway, 1997; Kitsing, 2003 in Haque, 2011). As noted before, NGOs are viewed as a sub-set of civil society in this study.

Thus, NGOs differ in significant ways from similar organisations: they are legally registered and have formal structures; they have skilled and paid staff; rules are established in the organisation; and there are common objectives of addressing public interest issues at all levels of government (Martens, 2002; Haque, 2011). NGOs are also separate from the business sector as making a profit or financial gain is not part of their objectives (Haque,

2011). NGO activities cover diverse sectors: health, education and research, *environmental protection*, gender issues, poverty alleviation and advocacy, among others.

Other acronyms differentiate various levels of autonomy of NGOs, “distinguishing fully autonomous NGOs from government-organised or supported groups of government-organised non-governmental organisations (GONGOs)” (Fisher, 1997: 447-8). GONGOs in China, for instance, are funded and established by the government and carry out activities related to achieving government objectives. Because of the many criticisms in China regarding the very idea of GONGOs, it is necessary to discuss and examine their roles, as well as the many debates around them. For some authors in the literature the very idea of a GONGO is nonsensical and contradictory, as GONGOs have close relations to government institutions and are either founded by governments or they receive financial and other support from the government (Xie, 2009). For these reasons, authors find that these “so-called” NGOs are not in fact NGOs as they are dependent on the state. They often work in line with what the state wants to achieve and therefore adhere to state demands. Scholars have thus criticised NGOs in China as lacking the “non-governmental” character and therefore are not worthy of the name NGO (Wang, 2000 in Ho, 2001).

In the environmental field, NGOs play an adversarial role, challenging the government when it does not adhere to environmental laws and standards (see next section 2.3.4). These types of advocacy roles cannot be carried out if the organisation is affiliated to the government, as GONGOs cannot openly challenge the government. Because of their affiliation to the government, members of Chinese GONGOs, for instance, may criticise environmental protection officers at the local level, but at the central government level they have to be careful in their criticism, as Schwartz (2004) notes. Also, GONGOs cannot easily advocate for issues being put on the agenda that are not in line with government priorities, as the government ultimately influences the organisations through their hiring of staff, paying salaries and deciding on promotions (Schwartz, 2004).

While GONGOs may be an issue for some scholars, they are not necessarily undesirable for some organisations, as more often than not in an authoritarian country affiliation with the government may be the only way to have an impact on policy or even just be operational. In contrast, in pluralist countries NGOs are expected to be completely independent from government and can thus challenge the government on a range of issues without strict controls or jeopardising their existence. In China there are many strict rules as to what NGOs

can and cannot do, therefore GONGOs could perhaps have more opportunities than other independent NGOs to achieve their goals. In the environmental field Knup (1997) argues that the leaders of GONGOs are often well connected to the government and because of these connections environmental issues are raised more prominently in government circles. Environmental GONGOs can play a significant role in addressing environmental concerns during international collaborations, environmental education and other related campaigns (Shapiro, 2012). Shapiro makes the point that ultimately the reality of “Chinese political life” is that it “takes its cues from the central government” (2012: 118). GONGOs are, therefore, viewed as being “strong, independent voices for environmental protection from within the government” (Wu, 2002 in Shapiro, 2012: 118).

In contrast to independent NGOs, however, GONGOs cannot take positions critical of the government in their environmental protection initiatives because of the control the state has over them (Schwartz, 2004). Often many GONGOs function as organs of administration and play the very limited role of watchdog over government policies (Xie, 2011; Tang and Zhan, 2008). Therefore, the public is not proactively empowered by GONGOs nor is the central government and its legitimacy challenged (Xie, 2011). Consequently, the criticisms of GONGOs far outweigh any positive aspects. GONGOs do not play the roles of independent NGOs such as challenging the government and acting as watchdog. These aspects are essential in the advocacy work of NGOs, as monitoring policy and its implementation is extremely important. These points illustrate how the political system can shape the roles not only of NGOs but also of GONGOs in authoritarian systems, where there is strict control over the work they do and what they can bring to the policy process.

#### **2.3.4 NGOs and policy impact: how do political systems shape the roles of NGOs?**

A discussion of the traditional civil society has links to the various discussions and debates in the literature exploring the roles and activities of NGOs in policy. Therefore, there may be repetitions and overlaps from the section on civil society in pluralist settings. This is done deliberately. With a focus on transnational actors in world politics, Risse (2002: 268) notes that “INGOs rely on social mobilisation, protest and pressure.” In these activities strategic constructions, for instance, “re-framing of issues” and/or “shaming” tactics are used to mobilise people around innovative ideas (Risse, 2005: 268). The roles of NGOs and other civil society groups include controlling information, shaping behaviour, serving as

consultants to governments, influencing consumer choices and power, and exerting pressure by bearing witness to the actions of corporations and governments, and holding them accountable, according to Wapner (1995 in Shapiro, 2012). In another view, the roles of NGOs are seen as introducing new ideas, providing information as well as lobbying for changes in policy (Keck and Sikkink, 1999). Whether in support of or in opposition to government, NGOs can mobilise domestically and internationally in order to achieve political goals (Hocking and Smith, 1997 in Sutton, 1999).

The roles of NGOs in political participation are diverse. NGOs engage in functions such as advocacy and lobbying government officials and policy-makers for changes in policy or putting new issues on the agenda; at times NGOs engage in all phases of the policy process: formulation, implementation and monitoring; NGOs carry out programmes stemming from policy initiatives such as educational programmes and awareness-raising; and through platforms for public engagement like letter writing to the media as well as protests and lawsuits, NGOs put pressure on governments and hold them accountable to regulatory standards (see Table 1). All of these activities can be viewed as among the distinct roles played by NGOs. NGOs fulfil at least three overlapping roles:

In the supplementary model, NGOs are seen as fulfilling the demand for public goods left unsatisfied by government [...] In the complementary view, NGOs are seen as partners to government, helping to carry out the delivery of public goods largely financed by government [...] In the adversarial view, NGOs prod government to make changes in public policy and to maintain accountability to the public (Young, 2000: 150-151).

Young (2000: 151) argues that, reciprocally, the behaviour of NGOs is influenced by the government “regulating their services and responding to advocacy initiatives”. Earlier in the chapter this study considered Anderson’s (1994) argument that in order to study policy-making adequately, it is essential to consider the environment (political, social, economic and other) or context in which it occurs. In this regard, the impact of the roles of NGOs in policy cannot be examined separately from the environment in which they fulfil their roles. In the context of this study, the political system is viewed as the relevant environment. Consequently, in accord with Young’s argument regarding the behaviour of NGOs being influenced by the government, this study investigates how political systems shape the roles of



NGOs. It does this by examining the institutional arrangements for NGO participation in policy in China and South Africa – and it further uses Young’s three roles to explore the roles of NGOs in each country and their impact in the policy process.

**Table 1: the roles and functions of NGOs**

<b>Role of NGO</b>	<b><i>Definition</i></b>	<b><i>Levels of engagement</i></b>	<b><i>Specific action</i></b>
<b>Adversarial role</b>	Challenging government by demanding accountability and changes in public policy	<ul style="list-style-type: none"> <li>• <i>Platform for public engagement</i></li> <li>• <i>Public contestation of government</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>writing letters and petitions</i></li> <li>• <i>research (evidence), court action, demonstrations and media stunts</i></li> </ul>
<b>Supplementary role</b>	Providing services to citizens, thus supplementing government	<ul style="list-style-type: none"> <li>• <i>Carrying out public services where government lacks capacity and/or funding</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Formal and informal education and awareness programmes</i></li> <li>• <i>Monitoring activities</i></li> <li>• <i>Training the population in monitoring the environment</i></li> </ul>
<b>Complementary role</b>	Partnering, and thus, complimenting, government in the provision of public goods	<ul style="list-style-type: none"> <li>• <i>Partnership in policy formulation</i></li> <li>• <i>Partnership in policy implementation</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Commenting/consulting on draft policy</i></li> <li>• <i>Carrying out projects on behalf of government</i></li> </ul>



		<i>on</i> <ul style="list-style-type: none"> <li>• <i>Partnership in policy monitoring</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Monitoring government's programmes and progress</i></li> </ul>
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**Source: Own illustration, based on Young (2000)**

In this way, NGOs in pluralist systems are more capable of fulfilling all kinds of roles, including that of watchdog and monitoring the state. In the environmental sector this is seen when environmental NGOs attempt to hold governments accountable when there are violations of environmental regulations. These roles are fulfilled because NGOs in pluralists systems derive from the traditional view of civil society, where it is expected that NGOs fulfil particular roles in moving countries towards democracy as well as monitoring the state and thus keeping it in check. Is this the same for South Africa and environmental NGOs in the conservation policy field?

There have been many debates over time regarding NGOs and their efficacy in impacting on the policy process. Moreover, debates regarding NGOs have included contestation around the usefulness of NGOs in the process of democratisation. This stems from a lack of empirical evidence, so scholars who remain sceptical argue for a cautious approach with regards to assumptions about the automatic democratic gains through NGOs; they also caution against regarding all NGOs as schools of democracy (Dalacoura, 2005; Korosteleva, 2012; Pishchikova, 2011 in Lewis, 2013). Still, these scholars do not deny that NGOs can hold government to account and challenge it on policies. The adversarial role thus remains part of the NGOs' roles; however, their ability to achieve results continues to be debated. This section now looks at the literature on three specific roles and what they entail for NGOs in pluralist and authoritarian settings.

#### **2.3.4.1 Adversarial role**

Advocacy organisations are understood to influence the political agenda-setting process by educating the public, mobilising and organising citizens to show concern for issues raised, and thus lobby for achieving their goals with decision-makers (Breitmeier and Rittberger,

1997). In developed and developing countries NGOs play vital and growing role, particularly by applying pressure on governments and NGOs shaping policy (Carothers, 1999). In this way NGOs challenge and hold governments accountable. The same author further contends that NGOs are important because they foster civic participation and citizen education. An additional role of NGOs in policy-making is thus “behaviour modification”, which is what NGOs are mostly known for (Hutter, 2006). In this role, functions including protests, using the media, carrying out demonstrations, compiling petitions and developing publicity stunts are used by NGOs in order to “mobilise mass opinion” (Hutter, 2006: 8). The media are used to highlight concerns and draw attention to them by widely disseminating the problem. The media are also used to shame and pressure the government to be accountable after wrongdoing. Letters and petitions are written to Members of Parliament (MPs) and Ministers from group members and the general public in a concerted manner (Connelly and Smith, 2003). Consumer boycotts are also used to highlight industrial malpractice, and court action is instituted where it is believed that official procedures have not been adhered to (Connelly and Smith, 2005). Demonstrations and protests are also organised by NGOs, which provide visible evidence of public support. “The massive numbers that turned out for a series of anti-nuclear demonstrations organised by the Campaign for Nuclear Disarmament in the 1980s” (Connelly and Smith, 2003: 95) represent a major way for NGOs to draw attention to the problem and consequently put pressure on the government by placing the issue on the policy agenda. Publicity stunts are also used by NGOs to gain widespread public exposure. Greenpeace is famous for using media stunts to draw attention to issues such as whaling and nuclear testing.

NGOs may also become involved in behaviour modification processes that are more formal (Hutter, 2006). For instance, where non-compliance with legislation is detected by NGOs, they use formal channels to hold those in violation accountable (Hutter, 2006). In the environmental sector this occurs when private actors do not abide by environmental standards, for instance, polluting factories, then NGOs get involved by pursuing legal avenues to get companies to comply with environmental regulation.

Within the pluralist setting public policy is influenced by pressure groups from the time when issues appear on the policy agenda to implementation (Richardson and Jordan, year, in Hill, 2013). Authors like Dahl (1961) and Polsby (1963) argued that in the decision-making process “even the least powerful” groups can make their voices heard (quoted in Hill, 2013:

29). In authoritarian systems pressure groups are usually not allowed to operate or openly challenge the government. In most cases NGOs that have dissenting views have to find other means of voicing their opinions and bringing their message across to policy-makers.

Authors criticise this role, especially in authoritarian countries, where challenging the government and holding them accountable is not permitted. It seems then that NGOs in these particular political systems do not carry out their roles or advocacy work to the fullest extent. As noted earlier in the chapter on civil society in authoritarian countries, civil society groups and NGOs could be shut down for trying to challenge the government or spread information that brings it into disrepute. Pluralist systems have an open society where everyone, the government and the public, have equal rights to voice their opinions and participate in policy process. This includes expressing dissenting views and using, for example, protests, the media and the court systems to hold people or the government accountable.

#### **2.3.4.2 Supplementary role**

NGOs are significant new political actors who make a contribution to political life and change, say analysts like Clarke (1996). In a discussion on NGOs and their participation in the “wider system of development assistance”, Marcussen (1996: 405) states that there are two interconnected reasons for the upsurge in NGOs. Firstly, NGOs are believed to be efficient and can implement projects in a cost-effective and sustainable manner, particularly grassroots organisations (Marcussen, 1996). Additionally, NGOs are viewed as instruments that can correct failures of the market and the state (Marcussen, 1996). From these views I can identify the service role of NGOs in carrying out projects or public services where the government may be lacking in capacity or funding to do so. NGOs are also viewed as being instrumental in addressing social issues, as they have access to funding, often international donor funding, and can therefore implement projects in a sustainable manner (Marcussen, 1996). Declining financial resources are leading to donors and national governments to look to NGOs as ways of getting services provided to the poor, according to Korten (1987: 147 quoted in Marcussen, 1996: 407). Thus, by providing services on behalf of the government, NGOs are impacting on the policy process by implementing necessary public services.

A number of activities by environmental NGOs can be understood as a service provided to society. Much of this service provision of environmental NGOs is carried out through environmental education and awareness programmes. In this way NGOs also bring issues to

the forefront of public consciousness (Cherrett et al., 1995; Slingsby and Barker, 2005) by providing education to the public and also organising citizens to show their concern. As noted earlier, NGOs use activities such as providing information to the public about an environmental problem (Keck and Sikkink, 1999). This enhances awareness of, and sensitivity to, a new problem. NGOs do this by providing the public with information about the state of the environment that they glean from reports produced by research institutes, international organisations, or state agencies. In this way, NGOs can be seen as interpreters of scientific knowledge (Breitmeier and Rittberger, 1997).

Most NGOs have limited ability to influence government policy directly beyond responding to consultation documents. Therefore, public education through formal and informal education activities becomes one of the most powerful ways NGOs can have an impact on government policy. NGOs produce teaching resources through websites, videos, computer software and printed materials that are often supplied free of charge to schools. Most of the resources aim to address or enrich the requirements of the National Curriculum, according to Slingsby and Barker (2005). In developing countries this may be a challenge, but it is even more so in authoritarian countries, where there is censorship of some materials and media platforms. This affects the work of NGOs, as they may be unable to get their message across to the public.

NGOs also contribute to public understanding and awareness of ecology, and science in general, through recreational activities and environmental education. This is particularly relevant to developing countries, where recreational activities are used to educate the population. Research and formal educational programmes are used by NGOs to raise awareness and in the end contribute to policy change (Haigh, 2006). Many NGOs seek to involve the community and sometimes outsiders – often students – in programmes that try to empower communities to take control of and manage their own habitats. For example, NGOs train the public in monitoring harmful human-made impacts on the environment. Also, environmental NGOs carry out environmental education in national parks or nature reserves. The Royal Society for the Protection of Birds (RSPB) and the Wildfowl and Wetland Trust (WWT), for instance, operate centres in nature reserves, where the public can observe birds whilst enjoying a day out (Slingsby and Barker, 2005).

Being perceived as a service provider raises parallel problems, whereby NGOs engaging in policy-making may be characterised as being incorporated into the state (Craig et al., 2004).

These authors note that debates often characterise organisations as either insiders or outsiders:

the dilemma is whether to become involved in the institutionalised political process and remain key agents of transformation within this, or assert autonomy and pressure from without – which may permit underrepresented sections of society a voice not possible within the political process, but may not effect fundamental change (Carly and Smith, 2001: 196 quoted in Craig et al., 2004: 222).

In line with what Craig et al. (2004) say, in pluralist systems NGOs providing services that the government cannot may be viewed in a negative light in terms of NGOs being incorporated into the state. Importantly, in a pluralist society diverse groups can voice their opinions and challenge and hold the government accountable through advocacy. On the other hand, by fulfilling a service role NGOs may be criticised for their inability to have an impact on policy through putting pressure on policy-makers because they are considered insiders. On the other hand, NGOs may view being incorporated into the government and carrying out the service role as a means to have an impact on policy.

In authoritarian systems NGOs providing services on behalf of the government could also be viewed in a bad light, as they can be seen to be doing the work of a controlling government. However, in authoritarian political systems providing services is one of the ways in which NGOs can carry out their operations. In order to have any kind of impact on policy, NGOs have to form part of the government's institutional arrangements and work on projects that the government also deems necessary. In the environmental sector this often takes the form of providing formal and informal environmental education and awareness programmes to the population.

#### **2.3.4.3 Complementary role**

An important activity for most NGOs is information gathering, when NGOs offer scientifically based research and analysis, as well as recommending policy alternatives in order to influence and advise the state on “technical and strategic” concerns (Aldadeff, 2003 in Hutter, 2006: 7). At the international level states partner with NGOs because they help states by providing policy advice, monitoring international commitments, minimising ratification risk, and facilitating signalling between governments and constituencies at international summits (Raustiala, 1997). Links to the local level are also evident in

partnerships between governments and NGOs. In this regard, NGOs contribute to the policy process by participating in policy-making through their partnership with government. Partnerships, however, may be used for diverse reasons in different political systems – and they may transpire differently. In authoritarian systems governments may partner with NGOs so that they may carry out projects that the government is incapable of doing. Partnerships may also be concluded for the benefit of the government and not necessarily for NGO objectives. In pluralist systems, because of the open system and participation processes, government policy is often made in partnership with other actors including NGOs; hence the partnership role is viewed as valuable in these systems – and possibly to both sides – as NGOs could have an impact on the policy process by getting their knowledge and recommendations included in the final policy.

NGOs also exert significant influence over legislation and policy in some developing countries such as India and Bangladesh, where the influence by NGOs is evident in the policy arena (Clarke, 1998). Additionally, in the Philippines NGOs influence legislation and public policy and are constitutionally recognised for these roles (Clarke, 1998). NGOs are therefore widely viewed as strengthening civil society by making a contribution to structures and political participation expansion (Clarke, 1998). NGOs thus clearly have a role to play in the policy process. In the Philippines example, the role of NGOs is constitutionally recognised; this means that the regulatory framework calls for participation in the country's institutional arrangements in policy-making and, therefore, NGOs can participate. Still, questions need to be raised regarding actual NGO impact on the policy process, and whether or not their submissions become policy options. Furthermore, as noted earlier in the chapter, NGOs in authoritarian countries are increasingly also included in institutional arrangements for participation in policy-making; hence Clarke's claim that NGOs strengthen civil society because of their political participation is questioned by other authors. As pointed out already, NGO roles may be shaped by political systems and their institutional arrangements – for instance, by whether or not outside actors are given the authority to participate in the first place.

NGOs often play an important role in their partnership with the government because of their knowledge and technical expertise. Thus, NGOs contribute to formulating legislation at the state level, especially on complex and technical issues. Critical to effective participation is the possession of technical capacity and information that is detailed in various policy areas,

according to Atkinson and Coleman (1992). Privileged relationships can thus be created, where those who do not have technical experience are excluded (Atkinson and Coleman, 1992). At times the technical requirements are so demanding in some policy arenas that societal actors have been delegated the authority to implement policy (Atkinson and Coleman, 1992). For example, after the NGO Friends of the Earth (FoE) published the report on “Sustainable Development: The United Kingdom (UK) Strategy in 1994”, FoE accepted an invitation to sit on the UK “Round Table on Sustainable Development”, now included in the UK “Sustainable Development Commission” (Connelly and Smith, 2003).

NGOs also have a monitoring role, for instance, “monitoring governmental policies and evaluating their effectiveness” (Hutter, 2006: 7). NGOs are more and more engaged in setting the standards of regulation and are often being officially “co-opted” by the government to assist in shaping standards (Hutter, 2006: 8). For example, NGOs are part of formal decision-making processes in the European Union (EU) (Dunkerly and Fudge, 2004 in Hutter, 2006). In authoritarian political systems there is a strong collaboration between the state and certain professional organisations and business groups where this cooperation mainly, but not exclusively, benefits the state: the collaboration between civil organisations and the state helps to embed the state further in society (Wischermann et al., 2016)

The considerable growth of interest in governments partnering with civil society and NGOs offers major new opportunities, yet access to the policy process creates another dilemma – having to balance the opportunity for influence versus maintaining independence and autonomy from the government, according to Craig et al. (2004). NGOs face a similar dilemma in the roles they fulfil in the policy process. This could be a concern for NGOs, for instance, in China, where partnership with the central government could mean that NGOs are not regarded as being independent. This is especially the case in China because of GONGOs, organisations that are formed or supported by the government. Their work is often suspected as being influenced by the government. Consequently, if an independent NGO is working in partnership with the government, the organisation may not be viewed as sufficiently autonomous. However, the literature has shown that sometimes in order for an NGO to operate or even “survive” in authoritarian political systems, they often have to have some form of relationship with the government. In South Africa partnerships between NGOs and government departments are also common. National or international NGOs can undertake projects in partnerships with government, or local NGOs can be “employed” to do the same

on a smaller scale. Authors have questioned whether or not these partnerships roles then affect the NGOs' role of challenging the government or having an impact on policy. By being in partnership with the government, NGOs may not want to criticise the government when there is wrongdoing or challenge them on decisions.

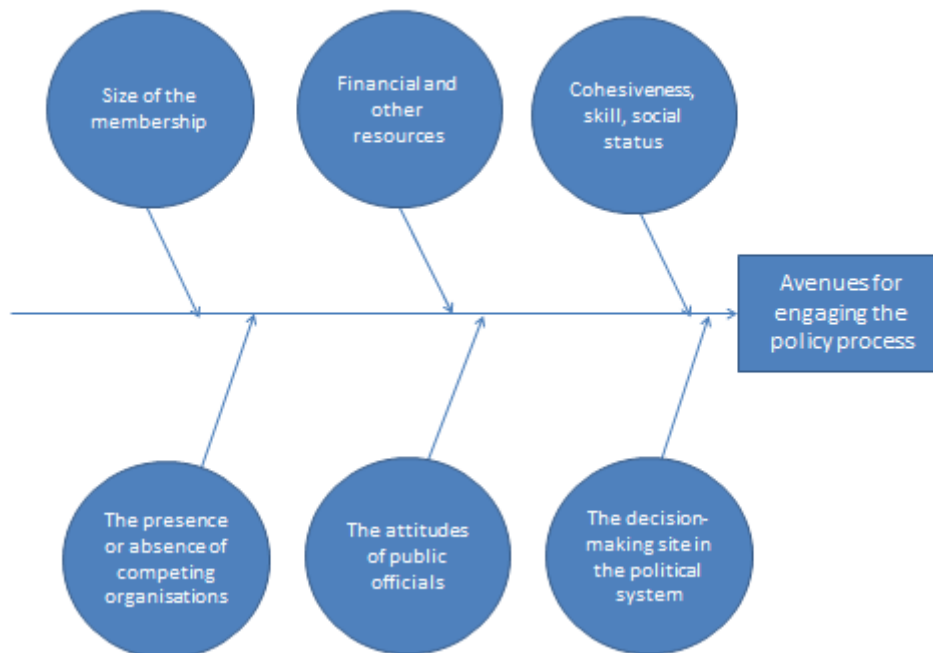


### 2.3.5 Other factors that have the potential to impact on the roles of NGOs

Policy-making is influenced by a diversity of interest groups “that exert power and authority over policy-making” says Anthorpe (1986 quoted in Sutton, 1999: 25). Each stage of policy-making – agenda setting, identifying alternatives, weighing up options and choosing the one that is most favourable, and implementation – is affected by these influences (Anthorpe, 1986). Therefore, a crucial aspect of policy-making is “what and who is included” (Anthorpe, 1986 quoted in Sutton, 1999: 25). Thus, we have to ask: who is included in the policy process and if they are included, how much impact do they have, if any?

The potential for effectively engaging and further influencing policy-making – in brief: for living up to their role description – depends on a number of factors. Many authors (Anderson, 2014; Howlett and Ramesh, 1995; Birkland, 2005) contend that factors such as the size of the membership; financial and other resources; “cohesiveness, skill, social status”; the presence or absence of competing organisations; the attitudes of public officials; and the political system’s decision-making site may play a role in how much a group may be influential (see Diagram 1).

**Diagram 1: Factors that impact NGOs**



**Sources: Own illustration, based on Anderson, 2014; Howlett and Ramesh, 1995; Birkland, 2005**

INGOs with thousands of members who contribute by paying membership fees give them access to resources and increase their potential impact. Local and grassroots NGOs, however, generally have fewer members, hence, their impact is often limited to one issue. The quality and quantity of information by NGOs varies based on the source. Some NGOs have large and professional personnel who produce in-depth research papers that can contribute to policy; other smaller NGOs do little or no policy research (Raustiala, 1997). Often the groups that are well organised fare better than those whose memberships are poorly organised (Anderson, 1994). An organised NGO with skills and social status may have greater impact. Larger NGOs have these attributes, making them more effective and able to participate in influential activities. Grassroots organisations do not have the same capacity, social status or finances to play an impactful role in the policy process, and have to look for other avenues to fulfil this role. INGOs tend to play a more important role because of their resources and capacity.

Furthermore, the absence of competing organisations can have an impact on the effectiveness of NGO engagement in the policy process. For instance, competition between organisations makes it difficult to access funding and other necessary resources. This factor may or may not have an impact in different political systems. Importantly, the attitudes of public officials also have an impact on whether or not NGOs get access to the policy-making process and whether issues get put on the agenda. Generally, relations with officials are important as a way to access the policy process. This point is often made in the literature, especially on issues related to governance and participation. Who is allowed to participate, or who is invited to participate, in policy-making is an important factor to consider and this clearly links with the attitudes of officials who decide on potential participants.

Similarly, different political systems have different processes and systems for the participation of the public and NGOs in the policy-making process, hence, the site of decision-making in the political system may be factored in. In political systems such as democratic states, information and resources make civil society groups vital members within policy subsystems (Howlett and Ramesh, 1995). This does not guarantee that their interests are accommodated, but they are more likely to have some impact. In rare circumstances, and only if they do not have great concern for the legitimacy of their power, executives may make

a high-level and deliberate decision to go ahead with a policy despite opposition from the concerned groups (Howlett and Ramesh, 1995).

NGOs appear to play a significant part in policy-making in all countries, but depending on whether they are democratic/pluralist or authoritarian, modern or developing, their legitimacy or the way they are constituted may be different (Anderson, 1994). For instance, groups in the USA and Great Britain appear to operate more openly and freely compared to countries like Austria and Nigeria (Anderson, 1994). In pluralist systems interest groups voice their opinions and can operate freely, bringing up issues that affect (parts of) the population. These range from NGOs and trade unions through to the media. In authoritarian states most groups cannot operate freely, as the government sets strict limitations on and imposes control over their activities. Even in restrictive political systems interest groups still “express demands and present alternatives for policy action” (Anderson, 1994). They do this by supplying public officials with technical information on the nature and implications of draft policy (Anderson, 1994).

The degree to which each of these roles is fulfilled in a pluralist system and an authoritarian system is explored in this study. As the focus of this study is on environmental NGOs, the policy area should first be explored before examining the respective roles of environmental NGOs in South Africa and in China.

## **2.4 Environmental NGOs: a special case?**

Nowhere is the creative power of ordinary citizens more evident than in the realm of environmental advocacy. In Thailand, environmentalist Buddhist monks (phra nak anuraksa) have joined forces with other citizens' groups to prevent deforestation in protected areas. In Tehran, local artists organised a widely-publicised exhibition to draw attention to the plight of children suffering the effects of poor air quality. In Ghana, the League of Environmental Journalists promotes public awareness by working for more effective media coverage of environmental issues. An alliance of environmental NGOs in the Philippines sponsors the Green Electoral Initiative, surveying politicians on their environmental views and practices and publishing their relative rankings in voter guides. From Bolivia to South Africa to Taiwan, environmental groups have successfully lobbied for the creation of new conservation laws and regulatory frameworks (Steinberg, 2005: 344).

There is considerably less critical examination of NGOs in the literature on environmental management and policy than on the social sector, according to Lane and Morrison (2006) with most of the literature including empirical and theoretical studies of different dimensions of changing approaches to governance. This includes “the role of communities (Agrawal and Gibson, 1999); decentralisation (Lane et al., 2004); regionalism (Jennings and Moore, 2000); the role of institutions (Gibson et al., 2000); and citizen participation” (Ribot, 2002 in Lane and Morrison, 2006: 232). Though the extent of formal and informal NGO involvement is so widespread in environmental policy and management, according to Breckenridge (1999 in Lane and Morrison, 2006), systematic assessments of the role of NGOs, “especially in relation to other governing institutions,” have been limited (Jasanoff, 1997: 557). Since the 2000s, studies related to the role of environmental NGOs have mostly concentrated on conservation and local communities (Steinberg, 2005), protected areas planning (Few, 2000; Gordon, 2006); and governance and accountability of environmental NGOs (Jepson, 2005). Hobson (2005) has written a related study on the actions, motives and impacts of environmental NGOs in Singapore’s political landscape.

A variety of environmental actors can be listed under the term NGO, ranging from conservationists who work in smaller grassroots groups or pollution victims to established, well-funded, and expert international organisations (Jasanoff, 1997). Thus, environmental groups are involved at all levels of governance, including local, national, regional, and international (Genmill and Bamidele-Izu, 2010). These groups are diverse in form, function and expertise, with environmental protection activities ranging from research and building of knowledge capacity, taking on legal action for victims of environmental damages, sustainable development, lobbying government officials and policy-makers, environmental education and awareness-raising for the public, animal welfare, to monitoring and protection of natural resources (Jasanoff, 1997; Genmill and Bamidele-Izu, 2010).

Though this study focuses on the role of environmental NGOs at the domestic level, it is important to note their activities and roles in the international sphere. As noted in the literature on environmental governance, NGOs contribute in various ways to addressing global environmental concerns, playing a major role alongside other international organisations and states. Environmental NGOs working on international environmental affairs is covered in the literature by numerous scholars (Sands, 1989; Princen and Finger,

1994; Spiro, 1994; Boli and Thomas, 1995; McCormick, 1999; Breitmeier and Rittberger, 2000; Betsell and Correll, 2008; Genmill and Bamidele-Izu, 2010; Finger and Princen, 2013).

A significant aspect of NGO engagement is protecting the environment by advancing international standards (Sands, 1992 in Martens, 2002). NGO participation internationally is not a new phenomenon; its roots can be traced back to the 18<sup>th</sup> century when numerous NGOs contributed to the development of international law (Yamin, 2001). The creation of the International Union for the Conservation of Nature (IUCN) in 1948, with membership from governments and NGOs, contributed to the development of conventions such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Yamin, 2001). NGOs have vital resources and skills to deploy during processes of cooperation in environmental protection; therefore, NGOs are important actors in environmental institutions at the international level notes Raustiala (1997). The participation of NGOs at the global level thus enhances the abilities of states to regulate environmental protection rather than undermine state sovereignty (Raustiala, 1997). One of the most important tasks for policy-makers concerned with the effectiveness of global governance, therefore, is to enhance and facilitate civil society's participation in global environmental governance (Genmill et al., 2002 in Genmill and Bamidele-Izu, 2010). For this reason, the authors argue that civil society and NGOs should fulfil a role in information collection and dissemination; policy development consultation; policy implementation; assessment and monitoring; and advocacy for environmental justice (Genmill and Bamidele-Izu, 2010).

International conferences such as the 1972 Stockholm Human Environment conference and the 1992 Rio Environment and Development summit were particularly significant in marking a new era of NGO involvement in agenda-setting and influencing practices. Particularly during the Rio conference the Commission on Sustainable Development (CSD), the body responsible for Agenda 21, called on governments to recognise that NGOs have well-established experience, expertise and capacity in various fields that are in particular important to implementing and reviewing environmental and sustainable development policy initiatives (UNCED, 1992). Additionally, in efforts to meet the common goals set out in Agenda 21, the resources of NGOs "should be tapped, enabled and strengthened" (UNCED, 1992). Thus, environmental NGOs are now "an integral part of the negotiating process", according to Enge and Malkness (1993: 25 quoted in Raustiala, 1997: 720), and their activities are much more extensive today.

Environmental policy is regularly negotiated in partnership between government and civil society organisations and is regularly developed in formal contact with NGOs (Lane and Morrison, 2006). This “partnership” approach goes far beyond old concepts of participation by citizens in policy-making (Lane and Morrison, 2006). The rationale for this approach, according to Amy (1987), includes the policy process being informed with “stakeholder perspectives and information”, as well as legitimising policy, and including organised and motivated organisations to manage the politics of policy-making (Amy, 1987 in Lane and Morrison, 2006). The partnership approach might thus, to some extent, or in some functions, apply across different political systems. Negotiated policy-making has become routine where there are multiple interests at stake in politics (Lockie, 2000 in Lane and Morrison, 2006). In South Africa’s pluralist system there are multiple interests and negotiated policy-making is often a requirement set in the regulations; however, the process may not always occur this way. In authoritarian regimes where the state is in control and interests are dependent on the state, policy is often not negotiated. In China’s environmental sector some changes seem to be taking place and NGOs have participated in some political forums.

This section specifically provides some context for the study by exploring the emergence of environmental NGOs, illustrating the need for them over time as well as conservation as a first generation of environmental policy; it gives a typology of the different kinds of NGOs, and finally it summarises their various roles, their effectiveness and factors relevant to their success in this particular sector of policy-making.

#### **2.4.1 Emergence of environmental NGOs**

Environmental NGOs emerged in different waves of environmentalism (Carter, 2001; Connelly and Smith, 1999). The first wave of environmentalism from the late 19<sup>th</sup> century to the 1950s saw the emergence of the conservation movement focusing on wildlife protection and preserving natural resources (Carter, 2001; Connelly and Smith, 1999). During this early period major conservation groups were formed. Some of them are still active today, such as the Sierra Club in the USA, the National Trust and the Royal Society for the Protection of Birds (RSPB) in the UK, and the Naturschutzbund Deutschland (NABU) in Germany. Conservation policy, within the overall complex and multifaceted field of environmental policy, can thus be viewed as the first generation of environmental policy. In reaction to widespread hunting a movement developed at the end of the 19<sup>th</sup> century to conserve the world’s remaining wildlife (Epstein, 2006). Awareness of endangered species brought home

the need for environmental protection policies long before the environmental movement started, effectively constituting the first category of global environmental policy-making (Epstein, 2006). One of the first federal environmental laws of the USA, “the 1900 Lacey Act,” was an endangered species law; yet species were protected only in so far as they were “game” for the hunters (Epstein, 2006: 36).

It is important to note that conservation was also taking place during this period in South Africa. In 1898 the Sabi Game Reserve was proclaimed; this formed the nucleus of the expanded and now renowned Kruger National Park in 1926 (Steyn and Wessels, 1999; Cock and Fig, 2000). The purpose of the game reserve at the time was to preserve species of game animals and increase their numbers; accordingly, hunters were not permitted to enter the park (Carruthers, 1989). In the second half of the 19<sup>th</sup> century in Europe there was a similar occurrence, namely a “preoccupation with the species inhabiting the immediate environment,” particularly birds (Epstein, 2006: 37). European states being colonial powers at the time, this concern was effectively carried beyond their national borders to the colonies and was firstly framed as a problem with not enough game for colonial hunts (Epstein, 2006). This new concern with preserving species in Africa in the last quarter of the 19<sup>th</sup> century soon yielded new institutional developments, such as wildlife conservation being placed directly under the control of colonial powers (Epstein, 2006: 37).

By the close of the 19<sup>th</sup> century nature protection groups had been founded in several countries, many encouraged by the national parks movement in the USA (Schneider and Thompson, 1985 in McCormick, 1995: 18). By the first decade of the 20<sup>th</sup> century there were sufficient national groups active to make the need for collaboration at the international level more obvious (McCormick, 1995). As the problem of endangered species persisted in the colonies, there was increasing pressure to create an international protective organisation. After several failed attempts, the International Office for the Protection of Nature (IOPN) was founded in 1934 as the outcome of the 1933 International Convention on the Preservation of Fauna and Flora in the their Natural State (Epstein, 2006: 38). Despite the limited practical outcome, the convention set many precedents, notably by bringing together preservationists, scientists and governments, and by instituting the principle of the endangered species list as a conservation policy tool (Epstein, 2006). After WWII measures were taken to strengthen international nature protection, with the establishment of the UN’s Educational, Scientific and Cultural Organisation (UNESCO) in 1945 and the IUCN in 1948, a unique transnational



structure combining governmental and non-governmental elements, scientists and policy-makers (Caldwell, 1990; Epstein, 2006). Nature conservation was thereby established as an international policy problem to be addressed through scientific expertise (Caldwell, 1990).

A main theme for the IUCN was national parks as a key conservation tool of the nation-state (Epstein, 2006). Most of the world's parklands were created in the decades of the 1960s, 1970s and 1980s (Terborgh and Van Schaik, 2002). Conservation or protected areas remain one of the principal tools through which both governments and NGOs attempt to enhance biodiversity conservation (Few, 2000). The importance of environmental groups trying to change national policies has been linked to the growing movement to conserve wildlife and the natural world. Global organisations such as WWF, FoE and Greenpeace continuously campaign to preserve the world's natural resources (Ponting, 1991).

The second wave of environmentalism had two major elements: First, it was a manifestation of 1960s modern environmentalism, which went beyond conservation as protection of specific species. Secondly, this wave saw the establishment of the environmental movement in the developing world. Groups established in this period expanded their membership substantially (Connelly and Smith, 1999). The rise of environmental concerns in the late 1960s and early 1970s led to many seeing the value of a new, direct form of campaigning, which led to a new style of environmental protection – where media exposure led to high levels of public support (Connelly and Smith, 2003). New groups such as FoE and Greenpeace rapidly increased their affiliates in many countries, including developing countries (Carter, 2001). The new organisations shared a broader environmental, rather than a strictly conservationist, agenda, focusing on issues such as industrial pollution and nuclear power (Carter, 2001). Environmental concern also expanded the memberships of conservation groups during this period, which also encouraged them to broaden their agendas (Carter, 2001). The very creation of FoE was symptomatic of the change in priorities. Over the years the technical expertise and the group's commitment gained the respect of both the public and political departments (Connelly and Smith, 2003).

In this second wave of environmentalism during the mid/late 1980s some spikes of expansion can be identified in the concern of the public about global environmental problems (Carter, 2001), channelled and brought to public awareness at international conferences. It was during this phase that developing countries also began to focus more on environmental issues. The first of these conferences where NGOs started to play an important role was the 1972 Human



Environment conference in Stockholm, where more than 400 NGOs were officially represented, mainly international and from developed countries (McCormick, 1995). The post-Stockholm era saw renewed growth in the formation of new NGOs. By 1982 the Environment Liaison Centre (ELC), a coalition NGO which regularly provides information and material on UN Environment Programme (UNEP) activities, estimated that there were 2,230 environmental NGOs in less developed countries, compared to 13,000 in more developed countries; 60 per cent of these NGOs from developing countries had been formed since Stockholm, while NGOs in the developed world often had older roots; only 30 per cent had been formed since Stockholm (UNEP, 1982 in McCormick, 1995: 124).

The Rio summit hosted by Brazil in 1992 marked a watershed moment in the relationship between governments and NGOs (Lee and Tilbury, 1998; Yamin, 2001). At the time the evidence of the nature and scale of global environmental change was becoming more evident and it evoked great concern all around the world. Questions “about global inequalities, the vulnerability of ecosystems and sustainability of existing lifestyles” were put at the forefront of national and international agendas (Lee and Tilbury, 1998). In this context concerns from the developing countries were raised about the concept of sustainable development, as these countries still needed to industrialise, unlike the developed world. Approximately 10,000 NGOs attended the summit, lobbying governments as well as establishing their own “NGO forum” (Yamin, 2001: 151).

#### **2.4.2 Typology of environmental NGOs**

Similar to other types of NGOs, environmental NGOs are highly diverse and operate at multiple levels (Caldwell, 1990; Martens, 2002). They include local/grassroots, national, regional and international groups with a range of interests and missions (Genmill and Bamildele-Izu, 2010). In China environmental NGOs can further be differentiated into three major types: student groups, GONGOs and civic NGOs, which are all structured and function differently (Tang and Zhan, 2008).

Particularly prominent in the environmental sectors are INGOs: large, global and well-funded organisations. INGOs are voluntary associations organised across state boundaries working toward environmental protection at the global level (Wapner, 1995). Activities of INGOs often attract public attention because their activities are frequently publicised (Hobe, 1997). INGOs are founded by private individuals or groups from different states for the pursuit of

common aims (Hobe, 1997). INGOs recruit their members from more than one nation, are active with regard to transnational issues, and routinely pursue their concerns across national boundaries. Examples include Greenpeace Africa and Greenpeace Asia which serve as regional NGOs.

National NGOs are groups that either draw their membership from a single nation or operate within the boundaries of a single nation-state (Silliman and Noble, 1998). Examples include the Wildlife and Environment Society of South Africa (WESSA) and branches of the WWF, found both in South Africa and China. Because of their potential to oppose government policy nationwide and operate as a focal point for opposition, national NGOs might find it harder to organise in authoritarian states than in pluralist states. They might also find it more difficult to organise compared to local or grassroots organisations, as the latter are less of a challenge to central government. This point is further explored in Chapters Four and Five.

Local or grassroots organisations are organised by local communities or individuals and work to improve their communities or the conditions of their members through the skills and resources of their membership (Wapner, 1997). Examples include a neighbourhood association (Silliman and Noble, 1998). Small-scale, grassroots NGOs mobilise volunteers on limited budgets to tailor environmental learning to local circumstances (Efird, 2012). Examples are the Kommetjie Environmental Awareness Group (South Africa) and Green Earth Volunteers (China).

Environmental NGOs can be differentiated further in China. Yang (2005) describes student groups as being student environmental associations that are registered with the university. They are youth leagues, yet they are perceived as NGOs. An example of a student group is the Sichuan University Environmental Volunteer Association. Student groups rarely participate in policy-making and have a weak relationship with environmental protection bureaus (Xiao and Zhao, 2002 in Tang and Zhan, 2008). Because the university administration or the Communist Youth League oversees student groups, it is difficult for them to carry out any political activism agenda in addressing environmental concerns (Tang and Zhan, 2008).

GONGOs tend to be established by agencies of the state or popular Chinese leaders (Knap, 1998). GONGOs therefore differ from NGOs as NGOs are independent from government (Wu in Schwartz, 2004). They are likely to be large, national organisations which receive

most of their funds from the government (Knup, 1998). GONGOs' activities revolve around the work of scholars, policy-makers and government officials, and are rather agencies of the state for outreach to these groups (Knup, 1998). At times GONGOs are considered non-governmental bodies, but because of the control of the state over their activities and organisational objectives, this is a contested view in the literature (see section 2.3.3). In order to separate GONGOs from NGOs, this study uses Schwartz's (2004) definitions: in China environmental NGOs are organisations registered with the government (the Ministry of Civil Affairs); they do not receive state funding, nor do they have official ties to government beyond the necessity of a sponsoring department. Thus, NGOs are private and do not draw from state funding or use state resources. They engage in non-profit activities (Schwartz, 2004). On the other hand, GONGOs are organisations that are registered with the government and affiliated directly with the state (Schwartz, 2004). Examples include the China Environmental Protection Foundation and the China Wildlife Conservation Association. This study focuses on NGOs that are separate from the state.

In China civic NGOs are organised by individuals, and are said to be most like Western-style NGOs. Although they are also subject to regulation by the government, they are far more autonomous than GONGOs. They are likely to be grassroots organisations, drawing members from the general population and focusing their activities on local issues (Tang and Zhan, 2008). Funding is mixed for these groups. It might include small grants from international foundations or multilateral organisations, the leaders' personal savings and/or tiny contributions from members (Knup, 1998). Resource flows are assumed to be a major point for regulation and control in authoritarian states. Beyond the political regime in place, however, funding is potentially a major problem for most NGOs in developing countries, who often have to compete for (often donor-driven) project funding, especially when the state itself has limited resources. For the most part NGOs organised by individuals "focus on activities which support the stated environmental protection goals of the state" (Knup, 1998); this should also enable them to operate in authoritarian contexts, at least to some extent and in some of the roles that an NGO can fulfil. An example of this type of NGO is Friends of Nature.

In the empirical chapters of this study examples are chosen from both national and grassroots organisations in order to cover a spectrum of different types of NGOs and to explore the impact of NGOs' roles in conservation policy.

## 2.5 Conclusion

The literature on governance, institutional settings and participation addresses the opening up of governing systems and policy whereby outside actors such as private actors and the non-profit sector, and no longer only the state, participate in policy-making. Many scholars have criticised this literature, saying that other issues also need to be considered, such as who participates or who is invited to participate in policy-making? Also, who has the resources to participate? Moreover, besides the mere inclusion of outside actors in policy-making, their actual impact on policy also needs to be examined. Changing regimes of governance have no doubt meant that institutional arrangements have shifted in various countries and political systems, now including outside actors; however, the extent to which these outside actors do impact on the policy process or decision-making needs to be investigated further.

Besides the question of NGOs' impact on policy, the debate on NGOs revolves around their contribution (or otherwise) to democratic governance in their respective countries, or whether they contribute to maintaining the status quo in countries with authoritarian regimes. Scholarship critical of the literature on traditional civil society has argued that in some cases NGOs can be a force in maintaining authoritarian political systems or even entrenching them, rather than being schools for democracy. The examples of Islamic groups in the Middle East illustrated this point. In addition, authors stated that the political system needs to be taken into account when examining the impact of civil society, as the political environment influences the activities of civil society and NGOs and their impact on policy. While authoritarian countries are increasingly opening up to civil society organisations and NGOs, many constraints remain on these groups through institutional arrangements and consequently their impact on policy may be limited.

Other significant discussions in the literature have also explored different governing systems and political participation by defining the policy process and examining which actors are involved. The literature review also examined the role of NGOs and their impact on policy by focusing on three distinct roles: challenger, service provider and partner of government. This

discussion showed that there are many factors, including the political system, which need to be taken into account when examining the roles of NGOs and their impact on policy.

This literature review has provided an overview of the debates relevant to governing systems, NGOs and their roles in policy, in an attempt to use important critical points from the literature to analyse how political systems shape the roles of NGOs in policy. Critical points to consider on the basis of the literature on governance, institutional arrangement and participation are who gets access to the policy process, how are they selected and do outside actors – NGOs in this case – have an impact on policy? Critical points to consider from the literature on civil society in pluralist and authoritarian settings include how NGOs contribute to democratisation or maintaining the status quo in authoritarian settings; the constraints on NGOs in authoritarian settings, and ultimately how the political systems shapes the roles of NGOs and their impact in policy.

The critical points from the literature are used as part of the analytical framework to examine and analyse the roles of environmental NGOs in conservation policy in China and South Africa. The roles and indicators used for the comparison were developed from Young's (2000) definition of the roles of NGOs. In the adversarial role, indicators for the comparison included: platform for public engagement (letters, petitions); and public contestation of government (role of research (evidence), court actions, demonstrations and media stunts). In the supplementary role, indicators included: formal and informal education and awareness programmes; monitoring activities; and training the population in monitoring. In the complementary role, indicators included: policy formulation, policy implementation and policy monitoring. These indicators are used to compare the roles of environmental NGOs in the different political systems of South Africa (pluralist) and China (authoritarian) in conservation policy, and are further used to address the critical points in the literature such as privileged access to the policy process and impact on policy, as well as whether or not NGOs contribute to democratisation or to sustaining authoritarian settings. These points ultimately contribute to answering the research question of the study: *How have the political systems of South Africa (pluralist) and China (authoritarian) shaped the roles of environmental NGOs in conservation?*



## **Chapter 3: Research design and methodology**

### **3.1 Introduction**

Two research strands examine the institutional settings for NGOs in policy-making: the literature on governance, institutional arrangements and participation of outside actors in decision-making; and the literature on civil society in pluralist and authoritarian settings. As mentioned in section 1.3, these two research strands provide the analytical framework for the examination of governing systems and political participation of NGOs, particularly in conservation policy, in China and South Africa. Adopting a comparative study method allowed the researcher to identify similarities and differences in the interactions among political actors, institutions and political systems in conservation policy of South Africa and China. This chapter provides an overview of the methodological approaches used to conduct this study.

The chapter is divided into six main parts. First, it discusses the research methodology, including comparative analysis and related approaches. Second, it outlines case selection and the process-tracing approach. The third and fourth parts of the chapter review the research process, specifically data collection and analysis. Part five addresses the research ethics relevant to this study. Part six discusses the limitations and delimitations of the research methods.

### **3.2 Research Methodology**

Three types of research approaches are used in this research study: exploratory, descriptive and explanatory (Babbie, 2007). Exploratory research is used to investigate issues about which little is known (Babbie, 2007). Literature on NGOs and other outside actors have for the most part concentrated on international relations and included topics on the general roles of NGOs in the international political system, as well as their roles as part of civil society (see Section 2.1). Focusing explicitly on the environmental NGO sector in the policy process makes a contribution to the literature on governing systems and political participation in the field of environmental studies. Also, most of the academic literature (see Section 1.2) on environmental NGOs in policy-making includes general discussions on the policy process and the actors involved within different political systems, but none deal specifically with the

environmental policy field. In terms of the literature on civil society in relation to democratisation and authoritarian settings, this research further contributes to the recent debates on the significance of NGOs in political systems that are non-democratic.

Descriptive research provides detailed information on the nature of issues. Information is generated about the institutional setting for environmental NGOs in fulfilling a role in policy-making by looking at the role of environmental NGOs in conservation policy in the two countries and their contrasting political systems. Explanatory research aims to explain why something happens and to assess the causal relationships between variables (Babbie, 2007). By examining the literature on governance and institutional arrangements for participation and outside actors, as well as the literature on civil society in pluralist and authoritarian settings, this study explains what roles environmental NGOs fulfil in conservation policy-making and how the political system of each system shapes the roles of NGOs.

Two major research approaches are found in the broad tradition of social science research: quantitative and qualitative. For the purpose of this research, which requires a flexible research method in order to carry out a comparative study, a qualitative research design is followed. Qualitative research refers to the “nonnumerical examination and interpretation of observations, for the purpose of discovering underlying meanings and patterns of relationships. This is most typical of field research and historical research” (Babbie, 2007: 377). This research approach is used in order to gain new insights into the NGO sector and broader environmental policy field, as well as the narrower conservation policy sector. The merits of qualitative research are that it is flexible and it is open to unanticipated data, especially with regard to field research, interviews and the process of examining ideas, observations and transcripts. The demerits of this approach are that it is less organised and systematic than a quantitative approach. It can, however, generate richer meanings than quantitative data can (Babbie, 2007).

The qualitative research approach draws on analyses of both secondary and primary sources. The section of data collection provides more information in this regard. Data analysis of this research is inductive, which involves developing generalisations from a limited number of specific observations or experiences. These include observations or experiences regarding the roles of environmental NGOs in conservation policy in the different political systems of South Africa (pluralist) and China (authoritarian).



### 3.2.1 The comparative research approach and case selection

Comparison in its broader sense is the process of discovering similarities and differences among phenomena. Rather than being a second-order activity tacked onto more basic cognitive processes, comparison is central to the very acts of knowing and perceiving (Warwick and Osherson, 1973: 7).

A comparative study method is merited for this research as it aims to develop concepts and generalisations based on similarities and differences between examples that may exist within a specific set of cases (George and Bennett, 2005). The main aim of comparative research analysis is to “seek out similarities in the relationship between two variables under different conditions with other conditions held constant” (Warwick and Osherson, 1973: 7). The roles of environmental NGOs in conservation policy are examined in two different political systems, China (authoritarian) and South Africa (pluralistic). A comparison of cases in the contrasting political systems can contribute to theoretical considerations for policy-making and the involvement of both national and grassroots-level NGOs in conservation policy in authoritarian and pluralist settings. In order to develop generalisations about the role of NGOs in the broader literature on governing systems and participation, the similarities and differences between the examples from China and South Africa are compared. This is done through the examination of the regulatory frameworks and institutional arrangements for participation of NGOs in conservation policy in both countries. Both formal and informal mechanisms for participation are examined. These aspects ultimately contribute to understanding how political systems shape the roles of environmental NGOs in policy and lead to developing generalisations based on the similarities and differences in the findings. For the purpose of the comparison, specific roles of environmental NGOs in conservation policy are further examined. The roles and indicators used for the comparison were developed from Young’s (2000) definition of the roles of NGOs, specifically their three different roles: adversarial, supplementary and complementary (see section 3.2.2). The indicators are ultimately used to develop generalisations based on similarities and differences between the roles of environmental NGOs in China and South Africa.

A comparative analysis can be challenging, as the researcher is required to study a variety of contexts and cases. Collier (1993) highlighted several “inherent problems” of comparative analysis. For example, conducting a comparative analysis can challenge researchers to find

comparable cases. Furthermore, since it involves very few cases, the researcher can face difficulty in reconciling contradictory explanations. Since similar problems could be faced in this research, its case selection was information-oriented (based on information gathered from desktop research and from the initial scoping study) and thus able to reduce variables by including only comparable cases that pertain to the research question and hypothesis.

In the first place, the NGOs explored were limited to the environmental sector. In the process of examining examples of the roles of NGOs in conservation policy, the investigator chose to look at two types of NGOs: national and grassroots/local NGOs in each country. This would demonstrate the distinct roles played by different types of NGOs as well as contribute to understanding which factors impacts the roles of national and local NGOs in policy. The initial aims of the study were to look at the two examples of different types of NGOs in examining the roles of NGOs in the establishment of conservation areas. However, this was not possible, as comparable cases of NGOs could not be found at this example in both countries. Therefore, the roles of environmental NGOs in conservation policy were examined along the three roles identified (adversarial, supplementary and complementary) and so a wider view in the selection of examples of NGOs was also applied. Consequently, a process of purposive sampling was used in order to select examples of NGOs that would be most useful and representative of the different NGO types in both countries. These NGOs were selected based on their operations and activities in the conservation sector as well as participation in policy processes. NGOs were also selected based on access as it often took time and resources to secure interviews with representatives of the NGOs, especially in China. Throughout the empirical studies of South Africa and China, the various examples of the NGOs are used for illustrative purposes. In the South African case examples include national-level NGOs such as the World Wide Fund for Nature South Africa (WWF SA), Birdlife South Africa, Wildlife and Environment Society of South Africa (WESSA) and Endangered Wildlife Trust (EWT); and local/grassroots NGOs such as the Kommetjie Environmental Awareness Group (KEAG). In China examples include national level NGOs such as The Nature Conservancy (TNC), Global Environmental Institute (GEI), WWF China and the Paulson Institute, as well as local/grassroots organisations such as the Shangri-La Institute for Sustainable Communities (SISC).<sup>10</sup> In this way, the author tried to include as

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<sup>10</sup> SISC can be viewed as a national-level NGO as the organisation operates in various parts of China; however, this study focused on the NGO's work in one community, namely, Shangri-La, a county in Yunnan province.

many examples as possible in order to ensure the examination of the roles of NGOs in both countries were comparable.

By selecting only South Africa and China, the researcher could conduct an in-depth study capturing detailed information on environmental NGOs fulfilling a role in conservation policy in contrasting political systems. Case selection can be challenging, since the researcher can be faced with bias. Typically, the cases that are selected for study by comparative researchers are “specific to their interests and to those of their intended audience” (Ragin, 1994). Seawright and Gerring (2008: 295) argue that even if cases are initially chosen for practical reasons, researchers must understand “retroactively” how selected cases’ may be conducted with the audience. Some might question the possibility of a comparative study between South Africa and China because of their political, economic and environmental differences. There are several reasons why the researcher chose the two countries.

Firstly, as illustrated in the literature review in Chapter Two, the role of NGOs in policy-making, especially in the environmental sector, has increased over the last few decades. Civil society actors and environmental NGOs have increasingly contributed to participation processes in policy, be it at the international or national level. The environmental policy field is growing significantly, especially in the wake of the need to protect biodiversity, particularly in the face of factors such as industrialisation and the impacts of pollution on the environment. In the light of these factors, new voices have emerged in opposition to countries’ causing harm to the environment. The way that governments include those new voices in policy-making is examined by considering institutional arrangements and participatory processes. In developing countries such as China and South Africa, development and industrialisation needs to take place alongside protection of the environment. The comparison of these two countries thus not only adds to much-needed research in the area of environmental policy, but also contributes to the effectiveness of public participation and the inclusion of NGOs in policy-making.

Secondly, the countries were selected on the basis of their similarities. Both countries have allowed space for environmental NGOs in addressing environmental concerns within their respective political systems. In order to contribute to the theoretical underpinnings of this study, two countries which are both similar but also very different (in political system and

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Also, NGO representatives in Shangri-La emphasised to the investigator that their organisation focused only on local initiatives within a community.

other ways) are examined. Both China and South Africa are developing countries with a certain industrialised basis (also referred to as emerging economies) with a growing middle class that sees the importance of environmental protection but at the same time expects a higher standard of living. Environmental civil society groups increasingly fulfil an important role in developing countries where the state does not have the capacity to meet all its objectives and tends to focus a lot more on development and economic growth objectives, rather than on environmental concerns.

Even though they have very different political systems, both countries have acknowledged the importance of conservation and improving environmental policy, especially in the wake of impacts of development activities (for example, air and water pollution from industry). In terms of conservation policy, South Africa has an established protected area system that includes nature and game reserves, botanical gardens, conservancies and 22 national parks which fall under the Protected Areas Act, the National Environment Management Act (NEMA) and the National Environmental Management Biodiversity Act (NEMBA). South Africa is also signatory to conservation-related international agreements such as the Convention for Biological Diversity (CBD) and the Convention on International Trade in Endangered Species (CITES). Through its constitutional obligations, South Africa has formal institutional arrangements for participation in policy processes; therefore, environmental NGOs often participate in policy-related activities. In South Africa most environmental NGOs also work in this area as the conservation and protection of wildlife is regarded as very important, as seen with the establishment of national parks in the early 20<sup>th</sup> century (Epstein, 2006).

In China the protected area system consists mostly of nature reserves, forest parks, scenic landscapes and historical landscapes. The Chinese government is currently developing a national parks system through a pilot project undertaken by a range of NGOs and international organisations such as the Paulson Institute. Nature reserves, scenic landscapes and historical landscapes fall under the 1994 Law on Nature Reserves. China is also signatory to international agreements such as the CBD and CITES. Some formal institutional arrangements for participation in policy-making have been instituted in the environmental sector in the last few years in China. Few environmental NGOs are known to participate in these processes, as informal policy processes are mostly used. When environmental concerns became a new topic in China, conservation was regarded as an easier area to work on unlike

issues such as pollution, as mentioned in section 1.2. The literature shows that in China, most NGOs focused on these issues when they began to increase in the late 1990s.

If there were only similarities, the comparison would not be meaningful. The countries were also selected for their different political systems, South Africa (pluralist) and China (authoritarian); the study examines how the different political systems shape the roles of NGOs. Most of the past literature looked at the roles of civil society and NGOs in the process of democratisation. Only recently has there been a growing research field looking at civil society and NGOs in other types of political systems such as authoritarian settings. The different political systems, yet the similar activities of NGOs (such as advocacy, policy advice and education) in policy-making, provides the basis for an interesting comparative study, often using conservation policy as an entry point.

China was selected as a case because within its authoritarian political system it has a growing civil society, especially within the environmental NGO sector. Since the founding of environmental NGOs in 1994, there has been a growth in the roles they play. Environmental NGOs in China are increasing their capacity and carrying out various lobbying initiatives as well as partnering with the Chinese government, at various levels, in order to address environmental issues. Chinese environmental NGOs work on all kinds of environmental concerns. Within this space NGOs have indirectly begun to have an influence on policy, according to several scholars (Yang, 2005; Economy, 2005; Xie, 2011). For these reasons the author found this would be an interesting case to examine in order to find out how the political system shapes the roles of NGOs in the policy process. Specifically, in the case of authoritarian China and its strict setting, it is additionally interesting. This area requires further examination, moreover, as there has been very little (English-language) literature written in China on this topic, despite its significance.

South Africa was selected as a case because of its pluralistic political system. Since South Africa's transition to a democratic political system in 1994, the participation of civil society groups, including NGOs, has been institutionalised and made a requirement in South Africa's Constitution. Environmental NGOs have a long history in South Africa, having played various roles during the apartheid period and in the early transition period, when they focused on the environmental justice movement. In the last two decades or so, there has been more focus on lobbying and contributing to policy by many of South Africa's environmental NGOs. They have also focused on broader environmental concerns. South Africa's political

system is open to public participation processes and NGOs are able to contribute directly to policy-making through formal channels. Because of the “openness” of South Africa’s policy and public participation process, this makes it an interesting case to compare to China.

There are also differences between the countries that have a significant impact on the environment lobby network and on policy. Differences in relation to size, economic development, levels of industrialisation in the two countries also have an impact on the roles of NGOs in the policy process. Since China initiated market reforms in the 1970s and 1980s, the country has experienced rapid economic and social development, becoming the second largest economy in the world (World Bank, 2016a). Even with a population of 1.3 billion, China reached all the Millennium Development Goals (MDGs) by 2015 and made a major contribution towards the MDGs being achieved globally (World Bank, 2016a; UNDP, 2017a). As a result, standards of living have improved in the country, with improvements in life expectancy and access to education, as well as increased incomes (UNDP, 2017a). China does, however, remain a developing country as poverty levels remain substantial. There were 70.17 million poor in rural areas in 2014, according to the World Bank (2016a). Furthermore, rapid economic growth has also led to many challenges including high levels of inequality, rapid urbanisation and vast environmental challenges.

After the ending of apartheid in 1994 South Africa adopted a new constitution which enabled the country “to consolidate democracy, promote greater freedom by giving voice to the people and providing a basis for accountability” (UNDP, 2017b). The new constitution has also enabled the country to hold free and fair multi-party elections on a regular basis and created a space for the involvement of people in the decision-making process (UNDP, 2017b). South Africa has made remarkable progress since its transition to democracy in 1994. It has established a solid foundation for democratic governance and improved access to education, health services, water, electricity, housing and social protection for the historically disadvantaged (UNDP, 2017b). Yet South Africa’s economy has taken strain in the last few years. In 2014 and 2015 the country’s ratings were downgraded by most rating agencies citing poor growth prospects and rising government debt, among other factors (World Bank, 2016b). Again, in 2017 the ratings changed and South Africa was downgraded to junk status. Furthermore, the weak growth in the economy has worsened the already high unemployment rate, inequality and macro vulnerabilities (World Bank, 2016b).

### 3.2.2 Indicators of comparison

In order to set up indicators that can best represent analysed social phenomena, the focus in this research was on assessing environmental NGOs and their activities in fulfilling the adversarial, supplementary and complementary roles. The roles of the environmental NGOs in conservation policy were analysed in order to examine in what way the political system shaped those roles. With this in mind, the researcher considered the process of selection and construction of reliable indicators to investigate the roles of environmental NGOs and different the political systems effectively. In the adversarial role, indicators included platforms for public engagement such as writing letters as well as compiling petitions. Letters are sometimes written to relevant government departments or specific officials in order to raise discontent with an issue. Letters are also written to the media in order to mobilise the public on an issue. Petitions may be compiled when large numbers of support are needed from different stakeholders as well as the public to show unhappiness with a policy decision. The adversarial role also includes public contestation of government such as the role of research (evidence), court actions, demonstrations and media stunts. Research is used when NGOs challenge and hold government accountable on the basis of scientific evidence. This function is often used when NGOs use the legal system to hold environmental violators to account, for instance. Demonstrations and media stunts are used to bring awareness to an issue in a public way that potentially pressurises the government into action.

In the supplementary role, indicators include carrying out public services such as providing formal and informal education and awareness programmes, monitoring activities and training the population in monitoring the environment. In the environmental field, NGOs develop formal educational programmes for school curriculums as well as teaching members of the public or students the skills to monitor biodiversity. Informal education and awareness programmes are provided during public events, at recreational educational centres of national parks, in books and magazines as well as through social media and the internet. Monitoring activities include, for instance, monitoring the population numbers of threatened or near extinct wildlife and plant species. This function is carried out in order to prevent extinction from occurring and identify areas of concern for the government. NGOs also train the population in developing the skills to monitor the environment and help with conservation.

In the complementary role, indicators included: partnership in policy formulation, partnership policy implementation and partnership policy monitoring. Partnership in policy formulation



includes NGOs contributing to formal arrangements for developing policy such as commenting on drafts of new policy. Informal arrangements in policy formulation include NGOs engaging in consultations and personal meetings with policy-makers to discuss new policy. Partnership in policy implementation includes NGOs carrying out policy objectives and/or projects for the government. Finally, partnership in policy monitoring includes NGOs checking whether or not policy has been implemented. This function is often fulfilled on behalf of the government. In contrast, in the supplementary role, the monitoring function is fulfilled where the government lacks the capacity to carry them out themselves.

In a pluralistic political system NGOs are expected to fulfil all the types of roles listed. In authoritarian regimes NGOs are expected to fulfil only the first two roles, playing less of a role in demanding accountability and changes in public policy. This study sought to find whether this occurs in the two countries.

The potential for engaging and further influencing the policy process depends on a number of factors. Factors such as the “size of the membership,”; financial and other resources, “cohesiveness, skill, social status,” the presence or absence of competing organisations, the attitudes of public officials, “and the site of decision-making in the political system” may play a role in how much a group may be influential (Anderson, 2014; Howlett and Ramesh, 1995; Birkland, 2005). These factors may have different impacts on the different types of NGOs and their operations, especially in developing countries with limited resources. For this reason, the study examined whether the way that the political system shapes the roles of NGOs, and whether or not other factors such as those listed above, would also have a significant impact.

### **3.3 Data collection and analysis**

Several methods of data collection were used to gather both primary and secondary data. The researcher collected primary data through interviews, focus groups and in some cases observation. Field research was conducted in China and South Africa between 2014 and 2016. In China field research was conducted in the capital, Beijing, and in Kunming, Yunnan Province, a province known for its environmental conservation projects and nature reserves. In South Africa most of the field research took place in the Western Cape. This province (the home province of the author) is also widely known for its large-scale environmental



conservation initiatives. Additional field research interviews were carried out in South Africa's capital, Pretoria, where the Department of Environmental Affairs is situated.

Specific environmental NGOs were chosen for the study, those active in conservation policy since the early 1990s. Second, different types of NGOs were targeted: at the national level (for example, WWF South Africa and TNC) and the local/grassroots level (for example, KEAG and the SISC). Governmental actors and the various representatives of environmental NGOs in China and South Africa were targeted for interviews.

The researcher conducted face-to-face key-informant interviews. In South Africa 16 interviews were conducted. The author also observed an environmental forum, the Western Cape Wetlands Forum held in Cape Town in November 2015. The forum consisted of 20 experts in the then field of wetlands who came together to share and discuss information as well as to update one another regarding wetlands. In China 24 interviews were conducted, which included a focus group with members of an NGO as well as an environmental think tank. In both countries interviews were conducted with, for example, high-level government officials who headed conservation or biodiversity units. Other key informants (academics, researchers and conservation practitioners) were selected for their in-depth knowledge of conservation policy. Initially, potential interview respondents were identified and selected through a basic search of NGO and government websites. After interviewing two or three informants, "snowball" sampling was used, where informants suggested names of other persons who, in their opinion, would be excellent key informants for the research topic. In both countries the field of conservation was quite small as most NGO representatives and officials knew each other, hence informants nominated other interviewees who were eligible for the study through their social networks.

The researcher conducted different types of interviews (structured and unstructured) in order to collect data. The strength of an unstructured interview is that questions can be formulated and issues raised "on the spur of the moment" depending on the context of the discussion and what arises (Kumar, 2011). In structured interviews there is a predetermined set of questions (Kumar, 2011). A key strength of a structured interview is "that it provides uniform information, which assures the comparability of data" (Kumar, 2011). Questions were designed in an interview schedule; however, the questions were open ended and consequently led to additional questions also being asked. This facilitated the discussion of broader themes.

The main questions put to informants were on the roles of environmental NGOs in policy-making and the activities they use to engage in the process.

The author also undertook two focus group interviews in China. In focus groups a number of participants with common experiences are interviewed together in a group setting and the researcher interviews them “for the purpose of eliciting ideas, thoughts and perceptions about a specific topic” from the interaction between the participants (Holloway, 1997). A key strength of a focus group is the collection of data through the interaction and “group dynamics” as it stimulates the thinking of participants (Holloway, 1997). Informants build on the answers of others in the group. There are some disadvantages such as, for instance, the researcher has less control than in a one-on-one interview. Certain participants may dominate the discussion, thereby influencing the outcome of the focus group or introducing “bias as the members feel compliant” to agree with those dominant voices (Holloway, 1997; Smithson, 2008). In this regard, the researcher made sure to ask questions to individuals as well as to the group in order to elicit a range of opinions.

The first focus group was conducted during the first trip to China with an environmental think tank, the Chinese Academy for Environmental Planning (CAEP), which included six staff members. The second focus group was conducted with an NGO, TNC, in their Beijing office, with eight members, including the Director, staff members and interns. This focus group was especially valuable for the China case as many cultural and political issues arise from the hierarchy of authority and the internal organisation. By talking together some interviewees may have had fewer inhibitions in sharing opinions as they were encouraged by their colleagues to share their thoughts in the discussion. However, there were also limitations, especially in terms of the political setting, as not many Chinese people feel free to discuss potentially controversial issues. There are limitations, specifically, because of fear of negative consequences. Some Chinese interviewees might have not spoken freely on topics they saw as politically sensitive. In these cases, focus groups members were encouraged to share their opinions by the researcher and other participants. This illustrates some of the challenges of doing research in China. Although some obstacles were foreseen such as language barriers and political challenges, in the course of this research unexpected challenges were also encountered. For example, during the study the topic of NGOs became increasingly controversial, particularly with the new laws on foreign NGOs (Wong, 2016; Phillips, 2016). The new law (Law on the Management of Foreign Non-Governmental

Organisations' Activities within Mainland China) concerning the operations and registration of foreign NGOs was drafted and enacted in China during the period of the research study. This had some implications for the study (discussed in section 3.6 on the limitations of the study).

Primary data were further obtained through observation, which is “a purposeful, systematic and selective way of watching and listening to an interaction” (Kumar, 2011:140). The author made use of non-participant observation, which is a data collection method used when a researcher remains a passive observer of the group, “watching and listening to its activities and drawing conclusions from this” (Kumar, 2011: 141). In the South African case the author carried out non-participant observation by attending the Wetlands Forum held in Cape Town. While this was a forum open to the public, permission to attend and observe was granted by one of the participants at the forum. At this particular forum, all the different stakeholders (NGOs, government officials, conservationists and academics) involved in the wetlands sector joined the event. The author was able to observe the interaction between the different stakeholders and draw inferences from this interaction without having to participate in the forum. In China the author also carried out non-participant observation by attending a forum on bird protection in Yunnan province hosted by a local NGO in Kunming. In this case, members of the public, academics and NGOs were in attendance. Here the author was also able to observe the interaction between these stakeholders. The forum was conducted in Chinese, but the author had a translator to help with understanding what was being said during the presentations.

Secondary sources included desktop research, books and academic articles; government reports and policy documents; and press reports. Additionally, information was gathered from the official websites of NGOs (WWF South Africa and China, WESSA, TNC, Global Environmental Institute, and the Paulson Institute). Problems with using secondary sources include validity and reliability (Kumar, 2011). The validity of data can vary from source to source. Also, the availability of particular data may be problematic (Kumar, 2011). This was especially the case in China, where data are not always readily available or in English, thus primary sources are highly valuable and necessary. The author was able to do cross-checking with the literature and the websites of NGOs through interviews.

### 3.3.1 In-depth expert interview

In-depth interviews with key experts were conducted to gain expert knowledge on the role of environmental NGOs in policy-making. Interviews were the most appropriate means to gain information for this particular study, especially with regard to NGOs. By interviewing key individuals and organisations in the field of conservation policy, the researcher was able to gather relevant in-depth knowledge.

Interviews were undertaken in China and South Africa with various international, national and local/grassroots NGOs, especially with individuals who have been working in the sector for a minimum of ten years. In order to select the most suitable informant, a desktop-based analysis of the background literature was undertaken. After analysing NGO and governmental websites, it was possible to identify possible participants in both China and South Africa who could pass on their first-hand experience and provide insights for the study. Key informants were selected for interviews on the basis of their position in the relevant environmental NGOs, for instance, those who headed the policy division of the NGO; or for their position in government, such as high-level government officials in conservation or biodiversity units. Other key informants (academics, researchers and conservation practitioners) were selected for their in-depth knowledge of conservation policy. The interviews were subsequently arranged based on this analysis.

Purposive sampling served to establish the profile of interviewees. Snowball sampling allowed for the selection of a few individuals who could identify others as possible suitable participants in the study. These techniques were used especially when the researcher conducted key-informant interviews. Whenever the researcher faced difficulties contacting interviewees, the researcher asked respondents to refer her to other possible respondents. An advantage of interviews as a data-collection method is that it is useful for collecting in-depth information by probing. In addition, questions can also be explained and are less likely to be misunderstood (Kumar, 2011). Some of the disadvantages of interviewing are that it can be time consuming and expensive, especially when respondents are scattered over a wide geographical area. Interviews took place in different provinces in South Africa and China. The quality of data depends on the quality of the interaction (Kumar, 2011). This is very relevant for the China case in terms of the language barrier and considering the restrictive political system. Although the majority of interviews took place in English, there were language barriers and the need to explain questions. Consequently, the author's limited

Mandarin skills could be viewed as a disadvantage. Nevertheless, a bilingual translator helped the author overcome these challenges.

### **3.3.2 Interview process and data analysis**

Two research trips were taken to China. The first trip in June 2014 to Beijing was a first step in the research process, when the author could meet with academics and think tanks working on environmental issues. Because of the political setting, this research study required local assistance for access to some stakeholders. This was not the author's first trip to China, and so previous networks could be used to identify interviewees. This was done through the networks and linkages of the Centre for Chinese Studies at Stellenbosch University and their partner universities in China. Through these networks the author met with informants who could direct her to other relevant experts for the research project. This first step was helpful as it led to many contacts being established for the second trip in June-July 2015 to Kunming and a return trip to Beijing. The return trip to China was made as a follow-up on previous interviews and observations.

The environmental sector and the role of NGOs (and civil society) are sensitive topics in China and at the time of the interviews new laws were drafted, and consequently some individuals were not willing to meet with the author. Policy space was closing for NGOs; as a result, government officials were not accessible at all. In both Kunming and Beijing attempts were made to meet with officials but this did not materialise. In trying to get close to the policy process, two interviews were conducted with researchers at the Policy Research Centre for Environment and Economy in Beijing, as well as a focus group with the CAEP, both of which are research centres directly serving the Ministry of Environmental Protection (MEP).

In South Africa 16 interviews were conducted from the end of 2014 until early 2016. Often scheduling meetings and interviews with informants were time consuming, especially with those working in government. Most interviews took place face-to-face; two interviews were conducted telephonically with NGOs that worked in other cities or towns that the author was unable to travel to. Interviews were also conducted with high-level government officials at local government in the City of Cape Town's Environmental Resource Management Department, the Western Cape Department of Environmental Affairs and Development Planning (provincial government), and with officials in the Protected Areas Planning, Legislation, Compliance & Monitoring division of the Department of Environmental Affairs

(national government). Additionally, an interview was conducted with the South African National Biodiversity Institute (SANBI), the government think tank conducting research on, and monitoring the state of, biodiversity in South Africa.

While 24 interviews were conducted in China, only 16 were arranged in South Africa. Numerous attempts were made to contact and arrange interviews with NGOs, especially grassroots NGOs using snowball sampling. Snowball sampling was not effective in this case, because potential interviewees were non-responsive and unavailable. One interview was conducted with a key grassroots NGO, KEAG, which plays a significant role in conservation. While the author could only get one interview with a local NGO in South Africa, many of the interviewees did mention that it is mainly the larger NGOs who engage in the policy process. Subsequently, interviews were conducted with representatives from the majority of larger NGOs, including WWF South Africa, WESSA, Birdlife South Africa, Wilderness Foundation Africa, EWT and the Botanical Society of South Africa (BOTSOC), all of whom have played a role in conservation policy. Moreover, while access to government officials in China was not possible, in South Africa interviews were conducted with key high-level officials at all the levels of government (local, provincial and national). As a result, even though fewer interviews were conducted in South Africa than in China, it was still possible to collect the essential data for the study.

### **3.4 Data Analysis (interview transcription and analysis)**

Interviews should ideally be audio-recorded and transcribed into text (Pierce, 2008). But because of the nature of the research project, this was not always possible. In China interviewees would provide less information if audio recordings were used because of the sensitive nature of the topic of NGOs and the environmental sector. Therefore, it was not possible to make a permanent record of the interview data. General transcripts of each interview were produced on the basis of notes taken during the interviews. Interviewees were assured that the interviews would not be recorded and that the interview transcripts would not be disclosed. This was for the purpose of ensuring ethical research. The confidentiality of the interviewees was also guaranteed by a commitment not to quote from the interviewees directly in the dissertation and to make sure that the reader would not be able to link the interview data to the identity of a specific interviewee.

As noted, in the interview process the author used open-ended questions. While open-ended questions can provide a large amount of information, the analysis of this type of question is more difficult (Kumar, 2011). Therefore, a process of “content analysis” was carried out in order to classify the collected data (Kumar, 2011). Content analysis is described as the scientific study of the content of communication (Prasad, 2008), whereby content is examined and analysed “with reference to the meanings, contexts and intentions contained in messages” (Prasad, 2008). Thus, content analysis was used in order to draw conclusions from the information obtained during the interviews.

Content analysis has increasingly been used for interview transcripts, focus groups, materials from open questionnaires and observational studies which are not fully standardised (Meiring, 2014). Qualitative content analysis is mainly inductive, “grounding the examination of topics and themes, as well as the inferences drawn from them, in the data” (Zhang and Wildemuth, 2009: 1). Moreover, this type of analysis involves a process that is “designed to condense raw data into categories or themes based on valid inference and interpretation” (Zhang and Wildemuth, 2009: 2). Inductive reasoning is used in this process, whereby themes emerge from the data through the researcher’s careful examination and constant comparison (Zhang and Wildemuth, 2009).

The researcher utilised content analysis in the way suggested by Kumar (2011). Firstly, the researcher divided the interview transcripts of the two country case studies by classifying them into three different lists. One list consisted of 11 international experts, including those from international NGOs and other organisations such as the German political foundation, the Heinrich Boell Foundation, and the International Union for Conservation of Nature (IUCN) in China. The other two lists consisted of 12 interviewees in South Africa and 17 interviewees in China. These classification lists were developed in order to simplify the “weighing of responses” as well as to distinguish to some extent between the experts. In conducting content analysis of the collected data, the author made note of all the main themes that were discussed in the interviews. For example, this included types of activities used to engage in policy-making; roles in the establishment of conservation areas; relations/engagements with government officials and relevant environmental departments and agencies. Responses under the main themes were then classified by going through all the interview transcripts. In addition, the responses were divided into the local (3), national (18) and international (1) NGOs and experts in the field (7); as well as government officials (5)



and national conservation agencies (2); think tanks (5) and an international conservation organisation (1). The two focus groups, one with TNC and the other with a think tank, are included in these lists of responses. This was done in order to analyse the various stakeholders' opinions and thoughts on the main themes discussed. Once distinctions were made between the different stakeholders and the responses analysed under the main themes of the study, the responses were then integrated into the main text of the paper.

The strengths of this data-analysis method include the approach being useful for analysing and interpreting messages in communication, and that large amounts of data can be analysed. It is also an inexpensive and accessible method of analysis (Prasad, 2008). The weaknesses of the method include its inferences being limited to the content of the text only. When semantic differences or differences in the meanings of words arise in the research method, the validity and reliability in the findings can be reduced (Prasad, 2008). This was not a challenge for the author.

### **3.5 Research ethics**

Because of the nature of the topic and the necessary face-to-face interviews, several ethical issues arose during this research study. Researchers have to take particular ethical concerns into consideration. These include voluntary participation, causing no harm to the participants, as well as maintaining anonymity and confidentiality in the research study. Voluntary participation means that “no one should be forced to participate” (Babbie, 2010: 65). This first concern can be addressed through an “informed consent” statement, outlining the nature of the data collection and its purpose. The intention of the informed consent statement is to ensure that the respondents are placed in a situation where they can decide whether and how to participate in the interview and with full knowledge of the risks and benefits of the study (Endacott, 2004 in Babbie, 2010).

The second concern, i.e. causing no harm to the participants, relates to not revealing information that would embarrass subjects or endanger them in any way (Babbie, 2010). This also relates to the third concern, anonymity and confidentiality, which concerns data (records, field notes, digital recordings of interviews, transcripts, etc.) and agreements as to how the data will be used and maintained in the research study in order to ensure privacy (Boeiji, 2010). This research study was approved by the ethics committee at the university, declared it a low-risk study. Also, seeking verbal assurance from participants immediately following



data collection that the data can be used is seen as good practice in using qualitative methods. Through the ethical clearance process, an informed consent document was prepared in order to ensure that interviewees were wholly informed of the nature of the research project and the purpose for which the data is used. The informed consent form was also intended to ensure that the participants were in a situation where they could decide, in full knowledge of the risks and benefits of the study, whether and how to participate. In South Africa the informed consent form was provided to informants, who signed it. Interviewees from the NGO sector as well as government were very open and foresaw no risk in their information being used. Most interviewees said that they had no concerns about the use of their information as most of it was open to the public.

The informed consent form was not used during the China field research. This was because of the political setting and changes in legislation for NGOs. There were potential risks for NGO representatives in talking to the author. Instead, an oral agreement was made with interviewees. The researcher sought verbal assurance by firstly explaining the purpose of the research study, and then ensured that the participants were in a situation where they could decide, in full knowledge of the risks and benefits of the study, whether and how to participate. The researcher then explained that the data obtained during the study would be kept private, and that anonymity and confidentiality would be preserved. Interviewees were informed that only the supervisors of the study as well as the examiners would have access to the list of names of key informants. The author then ensured interviewees names would not be used in the published version of the dissertation.

### **3.6 Limitations and delimitations of the study**

Due to the relative newness of environmental NGOs in China, a limitation of the study was that there were few scholarly studies of the nature and key aspects of their role in conservation policy, or policy-making in general. Academic sources were further limited in relation to the South African context, with very few recent sources available on environmental NGOs. As a result, the data collected regarding environmental NGOs in policy-making for both countries came mainly from primary data collection in the form of interviews.

A further limitation of the study was the fact that interviews with government officials in China were not possible. This was not foreseen by the author before embarking on the study.

Changes in the political climate in China as well as legislation regarding NGOs had implications for the study. Attempts to interview high-level government officials working on environmental policy were unsuccessful. Instead, the author was able to conduct interviews with representatives of the Policy Research Centre in Beijing, a think tank that works on environmental policy for the government, as well as with other academics and conservation experts in order to understand how the policy process works in China. The sensitivity of the topic was also illustrated by the fact that some local Chinese NGOs were unwilling to meet with the author. Reasons given were that the author was a foreigner and the sensitivity of the topic, as well as political risks for the NGOs. Still, 13 local and national NGOs and 5 conservation experts (including a former environmental journalist, a former NGO employee, academics as well as environmental funding organisations) were willing to meet and thus relevant data were collected.

Another limitation was the time and funding required to take on a study examining the situation in two countries on two continents. Field research also took place in different provinces of both countries, and therefore major funding and resources were required. A longer stay, especially during the second trip to China, would have been more valuable as the researcher would have been able to meet with and observe more NGO work in conservation. Many of the NGOs conduct their work in conservation areas, which are mainly located in remote areas and far from easily accessible cities. As a result of these funding restrictions the stay in China during both trips was limited, but at least two conservation areas were visited.

Delimitations of the study included not choosing to focus on the international sphere in terms of the roles of environmental NGOs in conservation policy. While the author is aware of the major roles fulfilled by NGOs at the international level in environmental governance and policy (as highlighted in Chapter One and Chapter Two), the author chose to examine the roles of environmental NGOs in conservation policy domestically, contributing to scholarly work on the roles of NGOs with regard to national institutional processes and policy-making.

### **3.7 Conclusion**

This chapter outlined the research design and methodology for the study. Adopting the comparative study method allowed the researcher to identify similarities and differences in the interactions among political actors, institutions, political systems and in the conservation policies of South Africa and China. This chapter further explained the data collection and

analysis methods used for the study, including the collection of primary data through interviews, focus groups and in some instances observation. In addition, the chapter provided details about the ethics process adopted for the study, and lastly, it outlined the limitations and delimitations of the study. The study now turns to the empirical chapters of South Africa and China.

## Chapter 4. South Africa

### 4.1 Introduction

Since the mid- to late 19<sup>th</sup> century legislation has provided the driving force for the prioritisation of environmental initiatives in South Africa, starting with the “proclamation of forest conservancies in the Knysna and Tsitsikamma forests in 1856 and the passing of the Forest and Herbage Preservation Act (No. 18 of 1856) in the Cape Colony” (McCormick, 1989 in Steyn and Wessels, 2000: 210). The first recognised environmental NGO in South Africa, the Natal Game Protection Association (NGPA), was founded in 1883 (McCormick, 1989 in Steyn and Wessels, 2000). The passing of the National Parks Act (No. 56 of 1926) was especially instrumental in this regard, because it led to the creation of the Kruger National Park in the same year. Other laws passed included the Atmospheric Pollution Prevention Act (No. 45 of 1965) and the enactment of the first environmental policy, the Environmental Conservation Act (No. 100 of 1982) by the South African government (Steyn and Wessels, 2000: 210). Other environmental issues gradually began to receive political acknowledgement, such as soil erosion during the 1930s and 1940s, and industrial water and air pollution legislation passed during the 1950s and 1960s (Peart and Wilson, 1998). A permanent cabinet committee on environmental issues was formed in South Africa in 1972 and the environment received serious policy attention (Peart and Wilson, 1998). In the 1980s the Department of Environmental Affairs (DEA) and the Council for the Environment established along with the passing of revisions to the Environmental Act in 1989 (Peart and Wilson, 1998: 238).

After the first democratic elections in 1994 there were many changes in the environmental movement; new organisations were born, while others underwent various forms of transformations. This period was also a “catalyst for a series of fundamental changes” in the legislative and institutional framework of South Africa’s biodiversity management (Wynberg, 2002: 234). Political changes in 1994, together with South Africa’s ratification of the United Nations (UN) Convention for Biological Diversity (CBD) in 1995, introduced a new direction for conservation (Wynberg, 2002). At least seven policy processes were initiated in

the environmental field alone<sup>11</sup> (Wynberg, 2002). A new environmental policy was also needed; hence a Green Paper on Environmental Policy was published in October 1996 for public participation and two White Papers were published in 1997: The Conservation and Sustainable Use of South Africa's Biodiversity in May 1997, and Environmental Management Policy by the Department of Environment Affairs and Tourism (DEAT) in July 1997. It was during this period that political participation processes for the public were established in South Africa's policy-making, and consequently where environmental NGOs began to play a role in policy.

This chapter gives an overview of the roles of environmental NGOs in South African conservation policy and speaks to the broader discussion of the study on governing systems and political participation. Keeping the research question in mind, this empirical study on South African environmental policies examines the roles of environmental NGOs in conservation policy in the country's pluralist political dispensation. It first outlines the historical evolution of the key shifts and turning points for the different roles of environmental NGOs in South Africa. Because of the oppressive and discriminatory regulations instituted during the apartheid period, South Africa has gone through many shifts politically and this has had an enormous impact on the roles played by civil society in the country. The third part of the chapter examines the formal and informal institutional arrangements for participation in conservation policy, using Young's definition of the roles of NGOs. In the formal institutional arrangements, the study particularly looks at the current environmental regulatory framework for political participation of NGOs in conservation policy; in the informal institutional arrangements, the study looks at functions used by NGOs such as personal interactions, media reports and protests. The final section summarises findings from the empirical study.

## **4.2 Historical evolution of the roles of environmental NGOs in South Africa**

Many shifts and key turning points can be identified in the development of environmental NGOs as well as the country's civil society sector that ultimately affected the roles that NGOs play in South Africa's environmental field. In order to examine the institutional arrangements for the roles of environmental NGOs in conservation policy, it is important to

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<sup>11</sup> "[...] including those related to environmental management, biodiversity, forestry, water, fisheries, sustainable coastal development, and integrated pollution control" (Wynberg, 2002: 234).

understand the historical route that provided the foundation for the NGOs' role in conservation policy from the 2000s onwards.

### *Phase one: Pioneering initiatives in the 19<sup>th</sup> century*

As early as the late 19<sup>th</sup> century South African NGOs were already involved in the field of environmental protection. The first key turning point was the founding of the NGPA in 1883, the first known NGO concerned with wildlife conservation and the prosecution of individuals breaking game laws. The founding of the NGPA marked the beginning of (then partial) political participation in conservation measures in South Africa (Pringle, 1973 in Steyn and Wessels, 1999).<sup>12</sup> Another key turning point in this period was the first formal initiative to protect wildlife by the Zuid-Afrikaansche Republiek (ZAR)<sup>13</sup> government in 1894 with the establishment of a game reserve. Seven government-owned farms, situated in the south-eastern corner of the ZAR along the Pongola River, were set aside for conservation purposes (Steyn and Wessels, 1999) and proclaimed as a reserve. In 1897 the adjacent Natal Colony followed the ZAR's initiative and proclaimed four game reserves in Umfolozi, Hluhluwe, St Lucia and Umldhletse.<sup>14</sup> Shortly after that, in 1898, the ZAR proclaimed its second game reserve, the Sabi Game Reserve (Steyn and Wessels, 1999: 68-69). In 1926 this reserve became the nucleus of the renowned Kruger National Park (Steyn and Wessels, 1999; Cock and Fig, 2000). Alongside these conservation efforts, other game protection associations were formed all over South Africa, including the Western Districts Game Protection Association (1886) and the South African Republic Game Protection Association (1892) (Steyn and Wessels, 1999). The oldest surviving environmental group, the Mountain Club of South Africa (MCSA)<sup>15</sup>, was established in 1891 and since then has participated actively in the conservation of flora and in proposing legislation and legislative changes (Steyn and Wessels, 1999).

<sup>12</sup> During this period NGO participation was limited to men and members of the white population only.

<sup>13</sup> During the mid-1700s and 1800s parts of South Africa were colonised by Europeans, including the Dutch and the British. Colonies included the Cape Colony, Natal Colony, Transvaal and the Orange River Colony (the latter two were actually independent republics). The South African Republic (Dutch: ZAR), often referred to as the Transvaal Republic, was founded by Boer families (the Voortrekkers) in the 1830s, hoping to establish their own communities free of British rule. Besides the ZAR, the Voortrekkers also founded the Orange Free State (South African Government, 2017).

<sup>14</sup> The new reserves were situated on agriculturally poor land that also formed part of the economic livelihood of the Zulus in the area. Because the Zulus were prohibited from hunting within the game reserves, they began poaching game illegally, resisting conservation efforts (Carruthers, 1997 in Steyn and Wessels, 1999).

<sup>15</sup> The MCSA is the oldest amateur conservation body in South Africa. Members of the MCSA have contributed to increasing conservation awareness. "The Club campaigned for the declaration of the Cape Peninsula and Magaliesberg Nature Areas." Members also serve as "Honorary Forest Wardens" and contribute to the Protea Atlasing Project (MCSA, n.d.).

*Phase two: politically-minded perspective replaces dominant conservation view*

The next important period for environmental NGOs extended from the 1910s to the 1990s, which included the segregationist period<sup>16</sup> (1910-1948) in which the historical roots of apartheid can be found. Environmental NGOs founded during this period included the Botanical Society established in 1913 (today known as the Botanical Society of South Africa or BOTSOC), the Wildlife Society established in 1926 (today known as the Wildlife and Environment Society of South Africa or WESSA), and the National Veld Trust established in 1943, a soil conservation organisation (Khan, 2000). From 1948, South Africa bore the apartheid era, a system of institutionalised racial segregation and discrimination. During this period environmental organisations were limited in membership to the white population and because of the overarching apartheid policy, a movement towards diversification was initially stifled. During the apartheid era most oppositional civil society groups were highly politicised and played an adversarial role against the government in their fight for liberation and a non-racial society. NGOs had a mandate that was “drawn from the liberation movements and other popular organisations, such as the trade unions and civic associations” in the struggle to dismantle the apartheid government (Pieterse, 1997).

In the environmental sector a characteristic of South African mainstream environmental NGOs during the apartheid period was that they favoured cooperating with, rather than opposing, the government (Steyn, 2002). NGOs who favoured cooperation with the government were the principal role players who influenced environmental protection at the time and determined the prevailing content of the environmental perspective in the country (Khan in Steyn, 2002). The government gave annual grants to environmental groups such as the umbrella organisation, the Habitat Council,<sup>17</sup> the NVT and Keep South Africa Tidy. Additionally, the State President of South Africa in the early 1980s, Marais Viljoen, was the patron of both the NVT and the Wildlife Society until 1984 (Steyn, 2002: 128). Whether or not these NGOs were in fact independent NGOs is debatable as they received government

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<sup>16</sup> In the first two decades of Union of South Africa (1910-1930), the government promulgated discriminatory laws and regulations that tightened state control over black citizens. The most important law passed was the Natives' Land Act of 1913 which reserved the majority of the land in South Africa for the white population. There were important continuities between segregation and apartheid (starting in 1948): in both eras, black people faced restrictive policies, discriminatory residence and labour laws, and denied voting rights (South Africa, n.d).

<sup>17</sup> The HC formed in 1974 as “a direct result of requests from the government” to the environmental NGO sector to form an umbrella body that would coordinate and “act as the united voice of this community” (Steyn, 2002: 131). The HC formally established as a coordinating council and more than 50 environmental NGOs joined (Steyn, 2002).

funding. In China NGOs formed by the government or that are supported financially by the government are called government-organised non-governmental organisations (GONGOs). Hence, the so-called NGOs operating during the apartheid period are viewed within that context of the country and the political system of the time. Having links to the government may have been essential to NGO operations as well potentially influencing the environmental agenda of the day. In addition, during the apartheid period affiliation with the government meant that environmental groups received financial support, as there was not much backing coming from membership. Consequently, many NGOs closed soon after they were established as they did not have the necessary resources.

While cooperation with the government was still a priority for NGOs, in the latter part of this era, there were some issue-specific policy clashes between the environmental NGO sector and the government (Steyn, 2002). In 1973, for instance, after the government announced its intention to develop a highway for the Garden Route, strong opposition to the road development arose by NGOs such as The Save the Garden Route Committee (SAGRACOM), the Wildlife Society and the Society for the Protection of the Environment (SPE) (Steyn, 2002: 135). In the short term the NGOs won some victories, but ultimately the oil crisis that began in October 1973 led the government to shelving the project until 1979 (Steyn, 2002: 135). Development plans opposed by environmental NGOs were not restricted to roads only, but were also applicable within formally protected areas. During the apartheid era protecting the country's natural resources remained a secondary role of government (Khan, 2000). Protecting its own political interests as well as those of the white citizens of the country was the main role of the government (Khan, 2000). Hence the proposed coking coal mining in the Kruger National Park became one of the most widely broadcasted campaigns against developments in protected areas at the time by NGOs and the public (Steyn, 2002). Both environmental NGOs and the public resisted this decision, and by 1980 the government abandoned its plans because of public pressure (African Wildlife, 1978 in Steyn, 2002). Although the campaign was a success, many NGOs felt unease afterward as this event made it evident that the government was not committed to addressing environmental concerns or wildlife conservation in particular (Khan, 2000).

The number of smaller, community-based environmental NGOs also increased around the same time, including the founding of the Kleinmond Ecological Society in 1978, the St Francis Bay-Kromme Trust in 1981 and the Save Gordons Bay Society in 1982 (Steyn,



2002). These organisations focused on protecting the environment or areas where “development plans or the possibility thereof threatened to alter the immediate environment” (Steyn, 2002: 131). It is important to acknowledge these smaller NGOs as they opted to challenge the government and developers on environmental concerns during a period in the political system when oppositional groups were seen as a threat to the government.

Civil society organisations also played a key role through NGO activism as well as development work such as community organising and providing social services in townships during the apartheid period (Warshawsky, 2013; Pieterse, 1997). NGOs thus identified themselves as service organisations (Pieterse, 1997). During the 1980s NGOs could be distinguished rather broadly as either “membership” organisations that help themselves, or “service” organisations that help others (Walters, 1993). The service organisations’ function could be categorised as: providing welfare-orientated social services; empowering sectors “through helping to educate, organise and mobilise”; providing services to other organisations to improve their efficiency; and to network (Walters, 1993: 2). In the environmental sector services were also delivered by NGOs during this period. Education, for instance, was an area where environmental NGOs were in service for many decades in South Africa. Before the end of apartheid, in an effort to create environmental awareness among the public, the need for formal and informal environmental education was emphasised (Steyn, 2002). An environmental education conference was organised as a starting point in April 1982 at Treverton College in the Natal Midlands, which brought together all relevant stakeholders for the first time. The founding of the Environmental Education Association of Southern Africa (EEASA) was an initiative born out of that particular conference (Steyn, 2002). Following the conference, a workshop organised in 1984 by the Council for the Environment. The workshop was tasked with developing national policy for environmental education, in the end resulting in a White Paper on Environmental Education in 1989<sup>18</sup> (Steyn, 2002).

In the 1980s a shift occurred and participation became a broader issue in the environmental movement as the conservation perspective was gradually replaced with a more politically-minded perspective (Kotze and Vollgraaff in Zeelie, 2003). This perspective emphasised the

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<sup>18</sup> The driving force behind the initiatives were environmental NGOs such as the Wildlife Society, the Southern African Nature Foundation (SANF), the Wilderness Leadership School and EEASA. These groups worked closely in cooperation with the DEA and the Council for the Environment (Steyn, 2002).

importance of linking the struggle for the protection of the environment with the struggle against social injustice and the exploitation of people (Cock, 1991). It emphasised

the fight against poverty, access to (political) power and resources for all racial groups, people's right to a healthy environment (both living and working) and the important role women play in society (Steyn and Wessels, 2000: 214).

This perspective further acknowledged that “communities should be consulted over environmental issues that affected them” and NGOs should partner with and help communities in developing strategies for environmental campaigns (Steyn and Wessels, 2000). The changes that occurred within the environmental movement between 1988 and 1992 were linked to the changes occurring in South Africa's political sphere in the same period (Steyn and Wessels, 2000: 214). As a result, this was a key turning point for environmental NGOs, when they gradually changed their agendas in the late 1980s to reflect the political and social realities of the time. The Wildlife Society and the NVT adopted a “non-racial membership policy”, acknowledging that environmental protection in the country was dependent on the cooperation of all racial groups (Steyn, 2002). Environmentalism, thus, became a politicised niche for engagement, often advocating regime change beyond “mere” environmental protection. The establishment of Earth Life Africa (ELA) in 1988 marked another new beginning of radical change in the environmental sector and for NGOs in South Africa (Cock, 1991; Steyn, 2002; Steyn and Wessels, 2000). ELA was the first organisation to effectively politicise the environmental movement by directly opposing government policies and highlighting the damaging effects of apartheid “on both humans and nature” (Steyn and Wessels, 2000 quoted in Zeelie, 2003: 10-11). ELA sought a broad environmental agenda, which further led to growing public interest in environmental issues. At least 55 new NGOs and student organisations were formed between 1988 and 1990, focusing on a wide range of issues such as pollution, the use of agrochemicals, and the proposed developments in areas with valuable ecosystems<sup>19</sup> (Steyn and Wessels, 2000).

The idea of environmental justice represented an important shift to include issues such as urban, health, labour and development issues (Cock, 1991 in Cock, 2004). ELA's relationship

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<sup>19</sup> Community-based environmental work also increased with the founding of groups such as the Namakwalandse Burgersvereniging (1989) and the Khayelitsha Environment Action Group (1991) (Steyn and Wessels, 2000).

with the government was even more adversarial, as ELA viewed the apartheid government and the environmental affairs department “as being blatant apologists for industry and the main cause of environmental degradation in the country” (Steyn and Wessels, 2000: 217). The open antagonism from the government made NGOs more “determined to oppose the government in any way they could” (Steyn and Wessels, 2000: 217). Unlike NGOs such as the Wildlife Society,<sup>20</sup> ELA mostly used a confrontational approach, directly opposing the Minister of Environmental Affairs and his department (Steyn, 2002). With a broader focus, the environmental NGO sector managed to place itself well within the oppositional civil society sector of South Africa in playing an adversarial role against the government.

***Phase three: a country in transition – cooperation and partnership the “catch of the day”***

A third period important for environmental NGOs was the transition towards a more democratic dispensation from the 1990s onwards. The role of civil society changed when its relationship with the state transformed in 1994 and it was called upon to participate as active partners in national development (Habib, 2005), thus fulfilling a complementary role to that of the government. The post-1994 transition period was mainly characterised by a “harmonisation of development objectives and co-operation between civil society and the newly democratic state” (Mueller-Hirth, 2009: 426). As new partners of government, civil society groups had to relaunch their identities in helping the government to recreate society and provide service delivery (Fleming et al., 2003). In its most practical form this shift played out in the new government’s Reconstruction and Development Programme (RDP) (Fleming et al., 2003). In the 1994 RDP “the state formally committed itself to fostering a wide range of institutions of participatory democracy in partnership with civil society” (Greenstein, 2003: 26). NGOs would play a role in capacity building with regard to development and CBOs; they would also be engaged in service delivery, mobilisation, advocacy, planning, lobbying and financing (Republic of South Africa, 1994; Warshawsky, 2013; Greenstein, 2003).

However, expectations and relationships began shifting in 1996 when the Growth, Employment and Redistribution (GEAR) strategy replaced the RDP without consultation with civil society (Fleming et al., 2003). Some groups blamed the “somewhat estranged relations” between the new African National Congress (ANC) government and members of

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<sup>20</sup> ELA “was not interested in co-operating with the Wildlife Society because the latter was perceived to be part of the structures that ELA was protesting against” (Steyn and Wessels, 2000: 217).

the mass democratic movement “on a shift in ANC thinking, away from socialist and towards neo-liberal policy and rhetoric” (Fleming et al., 2003: 28). It was also during this time that funding from foreign donors was increasingly directed to the government and a large portion of the expertise of civil society “was absorbed into the new state bureaucracy” (Mueller-Hirth, 2009: 426). These rather practical (but fundamental) changes in NGO operations with regard to funding and staffing meant that many NGOs had to go through a conceptual shift about their role and functions. One of the major challenges for NGOs was “moving from protest to development” (Gomulia, 2006: 57). Organisations that were unable to change had to shut down their operations, while others made significant shifts and embraced the new roles with innovative means (Gomulia, 2006). These shifts included organisations contributing to policy-making, becoming partners in service delivery, “rather than as delivery agents on their own” (Gomulia, 2006: 57).

In the environmental sector the period of transition not only heralded the dawn of a new political era, “but also brought about a [...] socially responsive environmentalism” (Khan, 2000: 173). Globally, the environment had become a major political issue with the 1992 Rio summit. Because of international sanctions against the apartheid government, South Africa made a minimal contribution to the UNCED process (Steyn and Wessels, 2000). ELA hosted an international conference on “What it means to be green in South Africa” after UNCED (Steyn and Wessels, 2000: 227). The conference served as a momentous forum for “determining future directions,” such as the founding of the Environmental Justice Networking Forum (EJNF),<sup>21</sup> a national network of CBOs “united around environmental justice and sustainable development” (Khan, 2000: 174). Subsequently, environmental justice issues also initiated a complementary role of providing services such as education, and monitoring impacts on the environment by NGOs such as ELA. Environmental justice issues are the core work of many CBOs and NGOs serving the poor. Projects of this movement revolved around basic needs (“brown” issues) rather than the “green” issues associated with the conventional environmental movement (Steyn and Wessels, 2000). This was particularly evident in the growth of the EJNF. Many poor communities face a range of problems – for

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<sup>21</sup> Although there were numerous NGOs and CBOs active in environmental work at the time, their impact on environmental policy was small, with the exception of well-resourced organisations such as WESSA (Peart and Wilson, 1998). The activities of the EJNF significantly increased the lobbying power of a large number of smaller organisations (Peart and Wilson, 1998), and it later became one of the key role players in the environmental movement in South Africa from 1995 onwards (Steyn and Wessels, 2000).

instance, communities suffering from being located close to hazardous waste dumps – were assisted by the EJNF (Khan, 2000).

New ideas of socially responsive environmentalism were also evident in the action taken by environmental NGOs based in the townships and rural areas. Environmental action initiated by communities thrived, such as assistance to small-scale farmers and recycling projects by the Modulaqhowa Environmental Project in the rural areas of Botshabelo in the Free State province; and the Mafefe Environmental Protection Committee undertaking education campaigns in alerting villagers to the dangers of asbestos (Khan, 2000: 173). The supplementary role of environmental NGOs as service providers changed in meaning somewhat. While many NGOs continue to provide environmental education and training, as well as services in environmental justice, NGOs also expanded their work to include monitoring services. This is the result of their increased access to resources as well as technical expertise among many of the larger NGOs.

Besides the supplementary role of NGOs during this period, the growing partnerships between environmental NGOs and government at all levels as well as the participation of NGOs in policy-making further illustrated the complementary role. The regime change in South Africa fundamentally changed the terms of engagement for civic engagement, including for environmental groups. Major changes in government attitudes and policies towards environmental issues occurred on a grand scale with the end of apartheid (Muller, 1996). NGOs previously had little impact on decisions and had no representation in formal structures on conservation. In the new democratic South Africa, the government introduced many new avenues for political participation in the policy-making process (Wynberg, 2002). In addition, the new Constitution (Act 108 of 1996) identified the importance of the environment, stipulating that everyone had a right to a clean and protected environment. Section 24 of the Bill of Rights guarantees that everyone has the right:

- (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
- (I) prevent pollution and ecological degradation;
- (ii) promote conservation; and

(ii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development (Republic of South Africa, 1996).

This was a key turning point for the environmental NGO sector as NGOs were included in new participation processes in policy-making. Two early examples of NGOs placing environmental issues on the policy agenda are noted. The first was the work of the EJNF, (representing all NGOs in the movement) and its contribution to developing recommendations for environmental policy by the new government and particularly on “integrating environmental sustainability” into the RDP in 1993 (Peart and Wilson, 1998: 240). This initiative also prompted the Consultative National Environmental Policy Process (CONNEPP),<sup>22</sup> which produced the White Paper on Environmental Management in 1997. The South African government initiated a “national consultative process” in 1995 to develop policy and strategies for biodiversity that would reflect the interests and aspirations of all South Africans (DEAT, 1997). The purpose of CONNEPP was to give all stakeholders the opportunity “to contribute to developing the new environmental policy” (DEAT, 1997). Representing environmental NGOs, the EJNF, along with the Group for Environmental Monitoring (GEM), sat on the Management and Advisory Team (MAT) of the CONNEPP (Peart and Wilson, 1998). This process resulted in the formulation of a White Paper (policy proposal), which subsequently took shape in the National Environmental Management Act (NEMA), No. 107 of 1998 (Cock and Fig, 2001: 21).

The second initiative was the successful lobbying of government by environmental NGOs to initiate the biological diversity policy process prior to South Africa ratifying the CBD (Peart and Wilson, 1998). The involvement of NGOs in the policy process was substantially formalised during the consultative process of CONNEPP. During the second consultative forum of the Green Paper on biodiversity, a three-person Steering Committee managed the process, with one representative each from government (DEA and Tourism); the NGO sector (Land and Agriculture Policy Centre); and Parliament (Chairman of the Senate Portfolio

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<sup>22</sup> CONNEPP was launched at a conference involving over 500 representatives of all government levels, as well as representatives from sectors such as business, labour, NGOs, traditional leaders, youth and women’s organisations (Cock and Fig, 2001). A series of sectoral and provincial conferences were held to produce discussion documents that were widely disseminated in a number of official languages to invite suggestions for a Green Paper (discussion paper). These conferences provided a multitude of opportunities for NGOs at various levels to provide input into the process and thus assist with improving effectiveness of policies. This structured process was conducted in order to invite further comments on the Green Paper and hold a smaller 200-person report-back conference (Cock and Fig, 2001; DEAT, 1997).

Committee for Environment). This steering committee also included support from the donor, the Danish Cooperation for Environment and Development (DANCED) (Peart and Wilson, 1998). The development of technical inputs and the design of the process were co-managed by DEAT and LAPC; the “donor funding was channelled through LAPC and several components of the process were managed and funded by LAPC on behalf of DEAT” (Peart and Wilson, 1998: 251), illustrating the significant input from the NGO sector. This process led to the White Paper on Conservation and Sustainable Use of South Africa's Biological Diversity (1997) and subsequently took shape in the National Environmental Biodiversity Management ACT (1998). Both consultative processes gave considerable weight to the participation of the public (DEAT, 1997; Government Gazette, 1997; Wynberg, 2002).

#### ***Phase four: wide-ranging roles and NGOs operating across borders***

The fourth important period to consider in the shifts in the environmental NGO sector extends from the 2000s to the current state. Since the 2000s South Africa's environmental NGOs work on wide-ranging ecological problems, which also contributes to the roles NGOs play in policy-making today. Many of the environmental problems cut across local and global levels and include issues such as environmental impacts from mining, air and water pollution, climate change and energy, and conservation-related concerns. Many communities living in the mining areas of the North West province are suffering from the long-term impacts of mining such as acid mine drainage (AMD)<sup>23</sup> and air and water pollution from coal mining. For example, in the city of Emalahleni in the province of Mpumalanga, decades of coal mining have taken their toll on the environment, with scientists finding “elevated carbon dioxide emissions, sulphur dioxide in the air, heavy metals in the soil and acidic groundwater” (Schneider, 2015). Often local NGOs, INGOs or community alliances are engaged in activism against mining companies; they include, for example, local groups such as the Federation for a Sustainable Environment (FSE), the Centre for Environmental Rights and Groundwork, and INGOs like Greenpeace Africa. Greenpeace attempts to publicise the issues in dramatic awareness campaigns, while local NGOs tend to take the legal route in fighting environmental violators. Climate change is a further environmental concern for NGOs, many of whom do extensive scientific research and contribute to developing policy in this area, as well to creating awareness around sustainable living through their individual initiatives. An alliance of South African environmental NGOs also established through the

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<sup>23</sup> AMD pollutes the groundwater, killing off all life in rivers (Schneider, 2015).



Climate Action Partnership (CAP) which aims to reduce the impacts of climate change and increase the resilience of biodiversity and communities.<sup>24</sup>

While it is important to note that environmental NGOs in South Africa work on many issues, the focus in this study is on the conservation aspect. One of the most pressing conservation concerns in South Africa at present is the scourge of rhino poaching and the illegal wildlife trade in rhino horn. South Africa is the country most targeted for its rhino horn, as it is home to the world's biggest population of rhinos. Illegal rhino horn is mostly sought for the Asian markets, particularly, China, Vietnam and Thailand. Since 2010 South Africa has lost record numbers of rhinos in this way. The loss of the rhino species not only has an impact on conservation but also on tourism, as the rhino is one of South Africa's "big five".<sup>25</sup> This crisis has led to many local NGOs, INGOs and international organisations like TRAFFIC and the IUCN attempting to fight the problem by implementing projects that include creating awareness among the populations of China and Vietnam.<sup>26</sup> WWF South Africa has a National Rhino Programme focusing on boosting rhino numbers, benefiting communities around rhino reserves, breaking illegal trade networks, working across borders and reducing the demand in Asia (WWF, n.d.c). NGOs also work on expanding protected areas in the conservation field. Globally and in South Africa biodiversity is decreasing as a result of both human threats and natural causes, thus, further protection is needed for threatened and endangered species. For this reason many of the larger NGOs in the country work on projects that aim to expand protected areas. The WWF and Birdlife South Africa, as well as smaller NGOs such as the Overberg Lowlands Conservation Trust, are involved in bringing landowners, communities and NGOs together to conserve and manage private farmland for conservation purposes.

There is plentiful to examine in the environmental sector, but in order to conduct a proper investigation into the roles of NGOs, the scope has to be narrowed down. This historical overview showed the shifts and key turning points that took place for environmental NGOs, which ultimately affected the roles they play in South Africa's environmental sector. Today environmental NGOs form part of a much broader civil society where a partnership role with the government has taken shape. As the new government developed new policies, including

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<sup>24</sup> The alliance partners include: BirdLife South Africa; BOTSOC; Conservation South Africa (CSA); EWT; the Wilderness Foundation; the Wildlands Conservation Trust; WESSA and WWF.

<sup>25</sup> South Africa's big 5 are the rhino, buffalo, lion, elephant and leopard.

<sup>26</sup> For example, WWF, EWT, WESSA, Project Rhino KZN, Rhino Alive, Save the Rhino



environmental policy, a vast participatory process was established in order for the public to engage in policy processes as well as for NGOs to have their say.

#### **4.3 Institutional arrangements: opening up the policy process to the public**

Identification and regulation of NGOs has been an ongoing issue in South Africa since the transition. For many years disagreement prevailed on the appropriate name and definition given to civil society organisations in the respective legislation, as NGOs, CBOs and civics all had particular meanings associated with them. It was in the mid- to late 1990s that the South African government decided on the term non-profit organisation (NPO) (Warshawsky, 2013). After government and civil society participants developed multiple drafts between 1993 and 2001, the NPO Act of 1997 became law. This act formally defined the process of institutionalisation of civil society organisations with the state (Republic of South Africa, 1997b in Warshawsky, 2013: 4). In 1997 the NPO Act 71 was amended. It defines NPOs as:

a trust, company or other association of persons: (a) established for a public purpose, and (b) the income and property of which are not distributable to its members or office bearers except as reasonable compensation for services rendered. NGOs are part of the NPOs. This Act laid out the legal framework for NGOs in South Africa (Department of Social Development, 2005).

NPOs in South Africa may register under the NPO Act; however, registration is voluntary. A qualifying organisation may not be “an organ of state.” NPOs qualify to access extensive potential funds in terms of the Lotteries Act, the National Development Agency (NDA) Act, and the Taxation Laws Amendment Act (Greenstein, 2003). The NPO Act also established a Directorate for NPOs, which is responsible for the coordination, development and implementation of policies in the non-profit sector (Habib and Taylor, 1999). The powers of a voluntary association are determined in its own constitution, not by state legislation (ICNL, 2004). No special rules exist for non-profit membership organisations but there are various reporting requirements for NPOs, including a narrative report of its activities, financial statements and the accounting officer’s report as required in terms of the Act (ICNL, 2004).

Various institutional arrangements for political participation are set out in the regulations for NGOs in South Africa, including in the Constitution and environmental law. A large portion of this legislation dates back to the mid- to late 1990s. The documents establish a clear role

and expectation of NGOs to participate in policy-making, partner with the government as well as impact on the policy process. As part of redressing past injustices, the government felt that it had to ensure the public could play a vital role in the new political system (Greenstein, 2003). Highly active political participation by the public was marked during the period of transition.<sup>27</sup> This included processes for citizens to participate at every level of government including in consultative forums, where civil society could engage in the government's legislative, policy-making and planning process (Houston, 2001 in Gomulia, 2006).

This section looks at the regulatory framework for conservation policy where various regulations and clauses are set out for participation. Particular attention is devoted to the Environmental Management Act (NEMA), the Biodiversity Act (NEMBA) and the Protected Areas Act. All these Acts speak to the participation of NGOs and other outside actors in the conservation policy process. This section of the chapter also discusses the informal mechanisms used for political participation by environmental NGOs and includes empirical data from the field research done for the study. Using Young's definitions of the roles of NGOs, this section also provides examples of each role in conservation policy-making. Indicators are used in order to compare South Africa and China more specifically (see Table 1 in Chapter Two).

#### **4.3.1 Formal institutional arrangements: the environmental regulatory framework and the roles of environmental NGOs**

The concept of political participation is explicitly enshrined in a number of sections in the South African Constitution (1996), indicating that the national Parliament, the provincial legislatures and their committees are responsible for facilitating participatory procedures for the public (Republic of South Africa, 1996; Buccus and Hicks, 2011). Stipulations in the Constitution also refer to participation at the local level. This law implies going beyond merely *consulting* communities, but effectively *partnering* with them in policy-making. Under the Municipal Systems Act (2000),

municipalities must encourage, and create conditions for the local community to participate in the affairs of the municipality, including: integrated development planning; the performance management system;

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<sup>27</sup> "Political participation is a process of voluntary participation by citizens in order to influence political decisions through direct or indirect means" (Gomulia, 2006).

the budget and strategic decisions relating to services (in Tshabalala, 2007).

Furthermore, the Municipal Structures Act establishes ward committees, which are intended to narrow the gap between local municipalities and communities (Tshabalala, 2007); however, the partnership between the public and the ward committees is not meant to devolve state decision-making power. Similar to the case at national and provincial government levels, “decision-making powers rest with council alone” and the participation processes “really only means community consultation to aid the deliberations of municipal councils” (Buccus and Hicks, 2011: 104-105). In this view, consultation processes appear to be merely procedural and do not mean that communities or groups representing them influence municipal decisions. This confirms views expressed in the literature, where scholars critical of governance and participation regulations note that often new institutional participation mechanisms, such as consultations or public forums, are mostly used for government officials to pass on new policy directions or plans. Still, in South Africa public forums in the environmental sector are held at the national and provincial government level. For example, at the provincial level, during the Western Cape Wetlands Forum, members (government officials, NGOs, wetlands specialists, conservationists and academics) come together in a forum to share information, identify research priorities, contribute to legislation, and co-ordinate activities for wetlands protection (Wetlands Portal of SA, 2015).

One of the principles of the NEMA is “public participation” and the Act explicitly states how this is supposed to be understood by policy-makers. NEMA provides a broad mandate for state engagement with NGOs in environmental policy-making, highlighting that all people must have the opportunity to develop the necessary capacity and skills for equal and effective participation. Furthermore, the interests and needs of all interested and affected parties, “including recognising all forms of knowledge (traditional and ordinary knowledge)” must be taken into account; community empowerment must be promoted through education and raising environmental awareness and there must be a sharing of knowledge and experience (NEMA, 1998: 12). These principles of public participation speak to the work and role of NGOs in their contribution of scientific knowledge and expertise to policy-making, as well as their work in raising environmental awareness amongst the public. The following section examines South Africa’s environmental policy and formal institutional arrangements where NGOs fulfil the three roles as noted above.

#### 4.3.1.1 Adversarial role

In the adversarial role “NGOs prod government to make changes in public policy and to maintain accountability to the public”, according to Young (2000: 150-151). Functions of NGOs in this role include educating the public; mobilising and organising citizens; as well as putting pressure on government through protests, the media, petitions, and publicity stunts (Hutter, 2006). NGOs also use formal civic actions to ensure compliance with regulations through the formal legal system. Through these functions, NGOs challenge and hold government accountable.

##### *Playing the watchdog role using research as evidence*

The South African Constitution indicates various rights that are relevant to the adversarial role by environmental NGOs. These include the right to “Assembly, demonstration, picket and petition” (Section 17, Republic of South Africa, 1996: 8). Section 38 further provides rights allowing “anyone acting as a member of, or in the interest of, a group or class of persons; anyone acting in the public interest; and an association acting in the interest of its members access to courts” (in Hamman et al., 2000: 12). NGOs can go to court to force the state and/or other actors to act in compliance with the constitutional environmental rights and/or in the interests of others (Hamman et al., 2000).

In addition, if NGOs want to hold government or others accountable on environmental laws or the protection of environmental rights, they also have a right to “Access to information” (Republic of South Africa, 1996).

Section 32 of the constitution states that everyone has the right to any information held by the state; and any information that is held by another person that is required for the exercise or protection of any rights (Republic of South Africa, 1996: 13).

This right represents a fundamental concern in policy relating to the environment with respect to the relationship between the private sector, the state and civil society (Hamman et al., 2000). For instance, access to information is important in empowering communities in participation procedures (Hamman et al., 2000). Because many of the laws relevant to environmental management are of an enabling nature, that is, the law “allows administrators to devise regulations, impose control measures and allocate permits”, this right is especially

relevant to environmental policy (Hamman et al., 2000: 12). In a fight for access to information, challenging private environmental violators via court action was a function used by the Vaal Environmental Justice Alliance (VEJA), a voluntary association of NGOs and CBOs advocating for a healthy environment in “the Vaal Triangle”<sup>28</sup> (Groundwork, 2013). After a disagreement over the course of many years with ArcelorMittal South Africa (Amsa), a steel producer in the Vaal area, the South Gauteng High Court mandated Amsa to hand over records of its “Environmental Master Plan and Vaal Disposal Site to VEJA” (Groundwork, 2013). In 2011 VEJA made its first request for a copy of Amsa’s Environmental Master Plan. The organisation made these requests on the basis that accessing the records was in the public interest (Groundwork, 2013). After years of court battles to get access to the information from the company, the High Court confirmed that “organisations like VEJA are entitled to protect and exercise the right to a healthy environment by seeking information to enable them to assess environmental impacts, and to exercise a watchdog role” (Hugo in Groundwork, 2013). This example illustrates one of the formal mechanisms for public participation in South Africa’s political system, where civil society groups can challenge companies as well as the government in the interest of protecting the environment or protecting society’s environmental rights. It further illustrates how in the pluralist system NGOs seemed to be encouraged to play an adversarial role through formal mechanisms.

Furthermore, some principles of the NEMA Act are applicable to the adversarial role of NGOs. These include the right of workers to refuse work that is harmful to human health or the environment. “Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law” (NEMA, 1998: 13). Because most environmental NGOs today play this role in terms of challenging the negative impacts stemming from mining activities on the environment, this principle is also relevant:

the costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment (NEMA, 1998: 14).

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<sup>28</sup> The Vaal Triangle is a triangular area of land formed by Vereeniging, Vanderbijlpark and Sasolburg in South Africa about 60 km south of Johannesburg. The area straddles the Vaal River and is a major industrial region, which is home to steel- and coal-processing facilities. Because of the heavy industries in and around the Vaal Triangle, the area became infamous for its air pollution and respiratory diseases.

Representatives of the large NGOs interviewed for this study said they often challenge the government and private actors on the impacts of mining in protected areas.<sup>29</sup>

While policy-makers do not explicitly talk about the adversarial role of NGOs, they do refer to this role in certain policy processes. In terms of NGOs and protected areas, “the government or department mostly gets opposition in the mining area from people who have a vested interest in that area”, according to a high-ranking government official (Interview SA11, 11 May 2016). After a protected area has been demarcated, NGOs also get involved in the process of developing management plans (Interview SA11, 11 May 2016). Together with SANParks, NGOs take part in the process while drafting the plans, for example, in consultation with neighbouring communities and landowners. The Council for Human Rights is a group that is actively involved in taking on the mining companies in protected areas (Interview SA11, 11 May 2016). An official at provincial level agreed that NGOs fulfil an important role when it comes to mining and nature reserves and holding the government accountable when environmental violations are about to take place (Interview SA9, 3 March 2016). An official of a central government authority noted that NGOs are vital in mining rehabilitation: “They play a strong advocacy and lobby role” (Interview SA7, 22 October 2015).

The law on “whistle-blowers” is also relevant; the law protects any person who discloses information as evidence of an environmental risk. Section 31 of the NEMA refers to access to environmental information and protection of whistle-blowers, noting that “every person is entitled to have access to information” which relates to the implementation of the NEMA and other laws relevant to the environment (NEMA, 1998). Also, information relating to “actual and future threats to the environment” such as water, air or soil emissions, and the production, “handling, transportation, treatment, storage and disposal of hazardous waste and substances” must also be made accessible (NEMA, 1998: 49) and can thus be used by NGOs for publically challenging state decisions.

### ***Court action: holding environmental violators accountable***

On the enforcement of environmental laws, section 32 of the NEMA states that “any person or group of persons may seek appropriate relief” in their own interest or in the interest of others in respect of any breach of the environmental law or any other law “concerned with the

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<sup>29</sup> Interview I3, 22 January 2015; Interview I5, 23 February 2015; Interview SA3, 6 February 2015

protection of the environment or the use of natural resources” (1998: 52). Moreover, section 33 states that “any person may in the public interest or in the interest of the protection of the environment, institute and conduct a prosecution in respect of any breach or threatened breach of any duty” (NEMA, 1998: 52). For instance, NGOs can take legal action against polluters in the public interest or in the interest of environmental protection, including challenging government in court. The litigation function has widely been used by environmental groups such as the WWF; BirdLife South Africa and the Centre for Environmental Rights.<sup>30</sup> BirdLife South Africa sees it as its role to raise the alarm when developers do not comply with environmental standards and environmental impact assessments (EIAs). A recent case is the Mapangubwe project where an Australian company, Coal of Africa Limited (CoAL), was given permission to begin construction of a coal mine less than 6 km from the borders of the Mapangubwe National Park (Birdlife SA, 2015b). National parks are protected areas that are firstly established for the protection of biodiversity and, secondly, for recreation. A coal mine could potentially have had vast negative environmental impacts on the surrounding areas, especially because of the pollution it creates. Therefore, it is only apt that NGOs fight developers in this regard as the environmental ramifications could be long lasting on a protected area and species living in the park. Birdlife South Africa has undertaken a legal battle to prevent any further construction taking place at the mine (Birdlife SA, 2015b). The organisation has also initiated a petition in support of the campaign.

A limiting factor to consider regarding political participation and South Africa’s policy-making process is the electoral system. The adversarial role of NGOs challenging the government and holding it accountable by seeking allies amongst Members of Parliament (MPs) and Members of Provincial Legislatures (MPLs) is *de facto* diminished by the absence of individual constituencies in which MPs or MPLs campaign for election. At the national and provincial level citizens vote for the party and the party decides who will be appointed as MPs or MPLs of the provincial legislature based on a closed list proportional representation system (Waterhouse, 2015). The system intends to safeguard the election of a diversity of representatives, as lists can be compiled to include minority groups. Its downside is that citizens do not vote directly for their representatives and hence accountability to their voters becomes more abstract to MPs and MPLs. Representatives do not report directly to voters,

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<sup>30</sup> The Centre for Environmental Rights is an NPO that provides legal and related support to environmental CSOs and communities.



but rather to the party that has given them a place on the party list (Waterhouse, 2015). Elected representatives then do not act independently (but toe the party line) as it is a disincentive for them to respond to the will of the citizens where this conflicts with the positions of their party (Parliament of the Republic of South Africa, 2009 in Waterhouse, 2015). In an assessment of Parliament over a 20-year period, Van der Westhuizen (2014 in Waterhouse, 2015) provides numerous examples of executive dominance over the legislature, including the handling of the investigation into corruption in the arms deal; the closure of the Scorpions unit and the processing of the Protection of State Information Bill. Van der Westhuizen demonstrates “how the allegiance of ruling party MPs to constitutional values has weakened over time from the first heady years post-1994, and how this is linked to the increasing strength of the executive” (Waterhouse, 2015: 174). The decision-making is becoming more centralised in South Africa’s parliamentary system.

### ***Brief summary of points***

Yet, vested with a number of direct legal and access to information rights, the environmental NGOs continue to fulfil an important role in the policy process. With their scientific research and technical expertise, environmental NGOs play an important role as a “corrective” force (besides the other two roles), be that through (public) campaigning or legal action. This section shows how formal mechanisms for participation in the institutional arrangements of South Africa’s environmental policy also include mechanisms for NGOs to fulfil an adversarial role. With the examples of the functions by NGOs in this role, this section further illustrated how many NGOs, local and national, use these formal mechanisms in order to challenge and hold environmental violators accountable, be they government or other actors.

#### **4.3.1.2 Supplementary role**

In the supplementary model, NGOs meet the demand for public goods left unsatisfied by government by providing services (Young, 2000). Functions of NGOs in the supplementary role include implementing projects in a cost-effective and sustainable manner; and carrying out projects or public services where the government may be lacking in capacity or funding. These functions can include activities such providing public education through formal and informal education activities, monitoring services and training the population in monitoring the environment. Through these functions, NGOs potentially contribute to bringing issues to the forefront of the policy agenda.



***Formal and informal environmental education and awareness programmes: educating citizens to care for the environment***

Through education, “the raising of environmental awareness, the sharing of knowledge and experience”, community wellbeing and empowerment must be promoted (NEMA, 1998: 13). Environmental NGOs fulfil an important role in this regard in the provision of both formal and informal environmental educational functions. A first level of education entails relating to enabling or supporting citizens to show their concern. An example is WESSA and their work on elephant poaching and supporting the organisation Elephants Alive, which conducts research and tracks individual elephants in the Greater Limpopo region. WESSA has worked to address the situation by raising awareness about wildlife crime, improving management of elephant populations with Elephants Alive, and educating the youth about elephants by sharing knowledge and ideas, among other activities (WESSA, 2014b). In terms of engagement in more formal (school) education curricula, WESSA also manages the Eco-Schools project, with over 1,000 schools registered on the programme. The grassroots NGO Beyond Expectation Environmental Project (BEEP) also supports the National School’s Curriculum and partners with WESSA in order to strengthen environmental education in the schools they work with (BEEP, 2010).

In addition to formal environmental education in schools, NGOs seek to involve communities and sometimes outsiders (often students) in programmes that can help communities to manage their own habitats. As an example, BOTSOC, an NGO that supports the development of South Africa’s botanical gardens, employs students from technical universities such as the Cape Peninsula University of Technology (CPUT) to do their practical work (as part of their university course work) in the botanical gardens. Alongside this, the students also participate in the programmes of the NGO (Interview SA5, 24 February 2015), for instance, the Custodians of Rare and Endangered Wildflowers (CREW)<sup>31</sup> programme. “Third-years spend time in the gardens and get a weekend in training with BOTSOC, thus the NGO helps with their studies,” said a BOTSOC representative (Interview SA5, 24 February 2015).

NGOs also contribute to the public understanding of ecology, and science in general, through recreational activities. For example, a local NGO, Kommetjie Environmental Awareness

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<sup>31</sup> BOTSOC works in conjunction with the South African National Biodiversity Institute’s (SANBI) CREW volunteers around the country to record endangered flower species. This helps “BotSoc and SANBI with identifying priority areas for conservation projects, and further helping local government in their regional planning” (BOTSOC, 2010).

Group (KEAG), houses the Soetwater Environmental Education Centre in order to educate the public at the grassroots level. The Centre hosts school children in the context of a dedicated educational programme. The educational programme caters for both overnight camps and day outings (Kommetjie, n.d.). KEAG also produces educational publications that focus on the importance of conservation and protection of the environment, including an environmental guidebook for the Southern Cape Peninsula region entitled *Creatures of the South*.

This 64 page book looks at the fauna and flora of the area, and also has sections on the coastal creatures and processes. It looks at the earliest human inhabitants and concludes by looking at the impacts of more recent human activities (Kommetjie, n.d.).

One notable aspect of local NGOs in South Africa as well as some of the other national NGOs is that many of them focus on social issues alongside environmental education. Often the projects are also about empowering and developing the skills of the youth. Within the South African context many of the local NGOs focus on underprivileged youths and school learners who may not have had an interest in environmental issues beforehand. Soapkidz aims “to create environmental awareness and promote nature conservation amongst underprivileged and abused children” as noted on their website (Soapkidz, 2013). Within the NGOs’ programmes and events such as adventure camps, children get an introduction to nature, as well as participating in environmental education days and nature hikes (Soapkidz, 2013). Through these kinds of activities that focus on social issues as well as nature conservation, youths are exposed to environmental protection issues. Environmental NGOs, therefore, contribute to policy implementation through their service provision of educational programmes.

***Monitoring activities and training the population in monitoring the environment: sharing scientific expertise and knowledge***

Formal educational programmes also include training the population in monitoring the environment. The CREW monitoring programme also links to training, which includes “volunteers from the public in the monitoring and conservation of South Africa's threatened plants” notes the South African National Biodiversity Institute (SANBI) (2016). CREW is a partnership between SANBI and BOTSOC, which provides general plant identification

courses as well as field training for volunteers (SANBI, 2016). In contributing to policy-making, CREW groups work closely with local land use decision-makers, landowners and government (SANBI, 2016). Collected data also inform EIAs influencing development decision-making and aids fine-scale conservation plans that assist municipalities in determining which areas should be allocated to conservation in their integrated and spatial development frameworks (BOTSOC, n.d.).

A regulatory framework in the NEMBA is also applicable to the monitoring function of NGOs. Section 49 of the Act is dedicated to “Monitoring” and states that the Minister may call for “any person, organisation or organ of state” in monitoring conservation in South Africa and to report regularly the results of such monitoring (NEMBA, 2004: 47). Such information must be reported annually to Parliament and be made available to the public (NEMBA, 2004). South Africa has a think tank, SANBI, that is the primary policy adviser to the government on biodiversity-related matters. SANBI plays an important role in the development of environmental policy and the protection of biodiversity in the country. SANBI also has various partnerships in place with NGOs on projects; thus, many environmental NGOs are also used for their monitoring expertise. For example, the Environmental Wildlife Trust (EWT) and SANBI, supported by collaborations from the universities of Cape Town’s and Pretoria’s MammalMAP and the Species Survival Commission (SSC) of the IUCN, have revised the Red List of mammals of South Africa, Swaziland and Lesotho<sup>32</sup> (EWT, 2014b).

While the monitoring function can be understood as a component of NGOs partnering with government, it certainly also provides a service to the public. NGOs provide information about the state of the environment to the public assembled from reports by research institutes, international organisations or state agencies. In this way, NGOs serve as interpreters of scientific knowledge (Breitmeier and Rittberger, 1997). A report by WWF and the African Development Bank titled *Africa Ecological Footprint Report: Green Infrastructure for Africa's Ecological Security*, for instance, took “stock of the health of Africa’s ecosystems” and provided recommendations for green development in Africa (WWF, 2012). The report, strengthened by its grounding in contextual research, was written as a means of advocacy for policy-makers and investors.

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<sup>32</sup> The IUCN established the Red List in 1963 to categorise the probability of extinction for every species. Assessments are carried out through networks. Red Lists have become the backbone of global conservation as a unified and standardised protocol to measure biodiversity loss and inform policy decisions (EWT, 20124b).

Monitoring as a service function can also target environmental management entities.

WESSA, for example, embarked on an elephant-monitoring project in the Hluhluwe-iMfolozi Park (HiP) in the province of KwaZulu-Natal (KZN) (WESSA, 2016a). This project provides data that support and strengthen “Ezemvelo KZN Wildlife’s<sup>33</sup> management of elephant populations in the park” as well as developing methods on how best to manage elephant populations in closed systems (WESSA, 2016a). Monitoring activities in this particular project have included:

building up the individual elephant photograph database and field ID kits; collecting data on herd demographics and family structure; monitoring elephant movements from GPS collar data; and assisting on the ground with contraception operations (WESSA, 2016a).

Through their supplementary role of providing monitoring functions, environmental NGOs in South Africa not only contribute to the protection of the environment, particularly threatened species and wildlife, but they also have an impact on the effectiveness of conservation policy. NGOs monitoring ecosystems and biodiversity keep the government up to date on the current situation and issues that may need urgent attention.

In South Africa there is a clear role and expectation of NGOs to participate in policy by providing monitoring services in the form of research and training. In the case of environmental NGOs, the legal context is also relevant for their work in monitoring the environment and/or impacts on the environment, as well as providing environmental education and research as a service. According to section 16 of the South African Constitution:

Everyone has the right to freedom of expression, which includes — (a) freedom of the press and other media; (b) freedom to receive or impart information or ideas; (c) freedom of artistic creativity; and (d) academic freedom and freedom of scientific research (Republic of South Africa, 1996: 7).

Consequently, environmental NGOs have a right to conduct scientific research and the freedom to report information and ideas. This is important in their role as service providers,

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<sup>33</sup> Similar to the Western Cape’s Cape Nature agency, Ezemvelo KZN Wildlife is a governmental organisation responsible for maintaining wildlife conservation areas and biodiversity in KZN.

as NGOs proceed to carry out environmental education projects and monitoring activities in order to collect scientific data and consequently use it to contribute to environmental policy and reducing the negative impacts on the environment.

NEMBA also provides a regulatory framework on “Research” in section 50 that states research on biodiversity conservation by SANBI and other institutions must be promoted by the Minister (NEMBA, 2004: 48). Furthermore, conservation research may include the collection and analysis of information about biodiversity; and the positive and negative trends affecting conservation in the country (NEMBA, 2004). Additionally,

research may include the assessment of strategies and techniques for biodiversity conservation; the determination of conservation needs and priorities; and the sustainable use, protection and conservation of indigenous biological resources (NEMA, 2004: 48).

EWT, for instance, runs a major research project on Grasslands in KZN where they do the groundwork in collecting research and scientific data on threatened species and plants.<sup>34</sup> This service delivery makes the work of NGOs influential as they provide information that the government may use later for its environmental policy, says a provincial government official (Interview SA9, 3 March 2016).

### ***Brief summary of points***

This section shows how formal mechanisms for participation in the institutional arrangements of South Africa’s environmental policy also include mechanisms for NGOs to fulfil a supplementary role. With the examples of the formal and informal environmental education, monitoring and research functions by NGOs, this section illustrated how different types of NGOs fulfil this role. Moreover, these examples and regulatory frameworks illustrate the openness of the pluralist political system to participation of the public in policy. By including monitoring roles for SANBI as well as outside organisations in South Africa’s environmental framework, this shows that the government and/or the political system wants NGOs, for instance, to share their scientific knowledge and expertise as well as monitor environmental policy and indicate where it is lacking. In this regard, factors such as funding and resources

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<sup>34</sup> The main aim/goal of the EWT-Threatened Grasslands Species Programme “is to develop an ecosystems approach towards grassland conservation by implementing conservation actions for priority areas within grasslands by focusing on priority species” (EWT, 2014c).

would have more of an impact on shaping the roles of NGOs, rather than the political system, because ultimately, scientific research and monitoring skills require huge sums of money and skilled capacity.

#### 4.3.1.3 Complementary role

In the complementary role, NGOs are viewed “as partners to government, helping to carry out the delivery of public goods largely financed by government” (Young, 2000: 150-151). Functions of NGOs in this role include partnership in policy formulation through information gathering, used to influence and advise about technical and strategic issues; offering analysis and policy alternatives to state regulators in policy implementation; and engaging in monitoring governmental policies and evaluating their effectiveness. Engaging with government often starts with a partnership function in the policy formulation process. In South Africa this process starts with a draft policy document (also known as a Green Paper) published for comments, suggestions and ideas by those interested and/or affected. This process is then followed by a more refined discussion document of government policy, called a White Paper, often suggesting specific legislative acts and drafted by the relevant department selected by the applicable government minister (Gumede, 2008; de Villiers, 2001; Maseng, 2014). The process then continues as follows:

Comment may be invited again from interested parties [including NGOs]. The appropriate parliamentary committees may recommend amendments or make other proposals and then send the policy paper back to the ministry for further discussion and final decisions. Once approved by the Law Commission and the cabinet, the White Paper is sent to the state law advisors who assess the legal and technical implications. It is after all these processes that it is introduced in parliament as a bill. Once the bill reaches parliament, it is a requirement that *it must already have gone through the public participation process where organs of civil society, other bodies and the general public are allowed to have their say* (Gumede, 2011: 172, emphasis added).

### *Partnership in policy formulation*

In terms of NGO participation in Green and White Papers, section 47 of the NEMA states that a relevant Gazette notice with the draft regulations must be published and comments from the public invited. Written comments must be “submitted on the proposed regulations within a specified period mentioned in the notice” and all comments received considered (NEMA, 1998: 62). When the national government publishes draft laws and invites comments, the state gives NGOs significant influence in that process, an NGO representative notes (Interview SA9, 3 March 2016). Many NGOs do the groundwork in gathering data on threatened species and plants in a given area (Interview SA9, 3 March 2016), for instance, thus contributing to the policy area with expert scientific knowledge. When the environmental ministry makes laws, this is done in a fairly rigid way, according to a Cape Nature<sup>35</sup> official. NGOs have a “softer” approach and bring issues to the table that government officials may not have considered (Interview SA9, 3 March 2016). During the national norms and standards process for game species, for instance, NGOs can exercise an influence.

In line with the legislation, the national department does see a role for NGOs, especially in participation processes and receiving their comments, a DEA official noted. In addition, there is direct consultation with departments and the provinces (Interview SA11, 11 May 2016). The consultation process works as follows:

all the comments will be collected and put into one document. The government will then go through everything and put their responses alongside the public comments in one document. The comments then get sent back to the NGOs where they may want to explain things more in-depth. They can also appeal on their comments and get feedback (Interview SA11, 11 May 2016).

Furthermore, after sending comments back to NGOs, the DEA can still hold meetings with NGOs to discuss specific issues (Interview SA11, 11 May 2016). This illustrates the extensive participatory process that occurs and the impact of NGOs in policy. In South Africa NGOs can thus be partners to government in the process of developing policies. Consequently, the development of the White Paper on Environmental Management was a

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<sup>35</sup> Cape Nature is the agency overseeing the management of biodiversity for the Western Cape.



notable example of a public participation process that was quite extensive and where NGOs could make huge contributions, according to a DEA official (Interview SA11, 11 May 2016).

Subsequently to this process of developing a policy framework, many smaller components of policies developed with NGOs' involvement and they were considered as having initiated policy-making. With regard to the specific consultation process in some biodiversity plans (for example, protection schemes for the rhino or yellowfish species), policy changes might come from NGOs (DEA official, Interview SA11, 11 May 2016). Anyone can initiate policy change, according to the NEMBA, and often NGOs initiate specific changes on species conservation and ecosystems. This initiative would then have to go through a similar public process (Interview SA11, 11 May 2016). In addition, smaller interest groups such as those involved in the protection of lions or penguins can get involved. With regard to larger or more popular conservation causes, for instance protecting the rhino, action campaigns include various stakeholders interested in the rhino (academics, NGOs, conservationists), who come together and offer a joint submission (Interview SA11, 11 May 2016).

### *National level partnerships*

In their area of responsibility NGOs often get involved in a consultation process on declaring land, noted a high-level government official at the national level. Most NGOs comment through this process (Interview SA11, 11 May 2016). For example, in the Biodiversity Stewardship<sup>36</sup> programme, when NGOs hand over land, they can stipulate conditions in the contract for the state to abide by. For instance, an NGO sets up its own conditions in the management plans for the land it sold. If the conditions are reasonable, the NGO and government will continue with negotiations (Interview SA11, 11 May 2016). A representative from BOTSOC said they give input into action plans for stewardship sites (Interview SA5, 24 February 2015). On the eastern border of the Kruger National Park, for instance, there are communities and private landowners. In this area NGOs get very involved in bringing everyone together and seeing that everyone benefits from the park (Interview SA11, 11 May 2016).

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<sup>36</sup> In the biodiversity stewardship programmes NGOs work with private landowners in drawing up conservation agreements so that their private land may be protected (WWF, n.d.b.).



The Biodiversity Act, NEMBA, also sets out similar laws for public participation and calls for communication (Government Gazette, 2004). In the event of a proposed exercise such as the expansion of conservation areas,

the Minister must give notice in the Gazette in at least one newspaper distributed nationally; or if the exercise of the power may affect only a specific area, in at least one newspaper distributed in that area (Government Gazette, 2004: 80).

The law further states that members of the public must be invited to submit to the Minister, “within 30 days of publication of the notice in the Gazette,” written responses and comments on, or in objection to, a proposed exercise (Government Gazette, 2004: 80). Furthermore, the Minister may allow the presentations of oral comments or objections by interested parties; and must duly consider all representations or objections (Government Gazette, 2004). In the planning processes for protected areas and nature conservation, the call for communication with the public is a key element throughout. The public has to receive notice and permitted time to comment when conservation areas are to expand or changes made within them. Often NGOs make oral submissions with scientific backing in this regard. WESSA, for example, has opposed the development of mines in national parks as well as the breaking up of nature reserves for mining (Interview SA3, 6 February 2015). Similarly, the relevant department has to provide timely communication and information to those affected by the designation of a new protected area. Often protected-area status affects neighbouring communities, hence effective and efficient participation from all stakeholders is necessary (Interview SA8, 11 November 2015). SANParks and the public forums it hosts with local and affected communities near national parks provide a good example of participation where public (NGO) involvement in park management plans is set up (Khan, 2000).

### ***Provincial-level partnerships***

The mechanisms on provincial level are similar and provide for a similar partnership setting in policy formulation. The proposal for provincial nature reserve approval and proclamation of the Knersvlakte Nature Reserve was, for instance, formulated and presented to the Members of Executive Council (MEC) in the Western Cape’s government gazette (CEPF, 2009: 9). During this process public participation took place when the public could give comments on the proposed new nature reserve (Protected Areas Act, 2004). While only the

Minister or the MEC may declare an area (Protected Areas Act, 2004: 18), the initiative for the establishment of a conservation area can come from an NGO. For example, the Western Cape's Department of Environmental Planning and Development handles all applications for declarations in the Western Cape, but most biosphere reserves or landscape initiatives are proposed by NGOs, a high-level official pointed out (Interview SA6, 20 October 2015). Public participation in South Africa takes place during the declaration, designation and consultation processes. In this regard, the pluralistic political system does provide processes for NGO engagement, and often stresses the partnership role between government and interest groups. This also implies some demands from the state on NGO participation; the relationship is mutual, not one-way, starting at the level of policy formulation. It is the government's duty to ensure that all actors are able to provide input, according to the NEMA.

Identifying relevant actors is thus a first task. As an official at the Western Cape's environment department (provincial government) stated, their department has a stakeholder list that includes the different levels of government, NGOs, businesses and academics, which they use when there is a public participation process that needs to take place (Interview SA10, 8 April 2016). This arrangement speaks to the issue of privileged access in the governance literature, which notes that selected groups get invited to participate in the policy process. In the development of the Western Cape Biodiversity Expansion Strategy, the role of the committee (consisting of the provincial department and Cape Nature) is to develop the plan. Civil society's role is more than commenting on planning; they are partners in planning by being involved during the public participation process *before and after* the Minister of Environmental Affairs receives plan submissions. The process is as follows: first, the committee gathers information from the different parties involved in the plan, including a public participation process that involves NGOs and academics. Secondly, the committee puts the information into legal/policy language and text. Thirdly, the plan is sent to the Minister; and, after the Minister has signed off on the plan, it then has to go through another public participation process (Interview SA10, 8 April 2016).

The public participation process is where NGOs and academia get involved and often this is a very important part of the process as civil society brings a lot to the table (Interview SA10, 8 April 2016).

An official has noted that the provincial department has a very strong working relationship with NGOs. Provincial or local government as well as Cape Nature also approach NGOs for

their participation in planning processes and in specific projects. Provincial government also provides a platform for NGOs to participate in planning and processes regarding conservation areas through forums organised by Cape Nature. Similar to the views in the literature on governance and participation, outside actors participate in policy planning forums where sharing of information takes place. The forums bring stakeholders together who work on biodiversity and protected area management plans in the province such as the City of Cape Town environmental officials (local government), South African National Parks (SANParks)<sup>37</sup>, Cape Nature and some of the larger NGOs (Interview SA2, 19 November 2014). In this way, stakeholders interested in conservation and protected areas inform each other about activities of mutual relevance. Cape Nature organises numerous meetings and workshops in which NGOs participate and exercise an influence, according to an official (Interview SA9, 3 March 2016). This platform also contributes to the provincial government's planning and processes regarding conservation areas.

Often the City of Cape Town's Environmental Resource Management Department partner with NGOs when developing new strategies and plans for the City, according to a local official (Interview SA8, 11 November 2015). For example, in the Cape Town Bioregional Plan,<sup>38</sup> the Environmental Resource Management Department have developed a map that provides a biodiversity profile, "a map of biodiversity priorities with accompanying land-use planning and decision-making guidelines, and additional management measures" (City of Cape Town, 2016). NGOs together with scientific experts and academics from the University of Cape Town and Stellenbosch University were part of the process of developing this plan (Interview SA8, 11 November 2015). In this instance, the role of academic institutions and scientists as well as land planners was important in the development of the plan. Thus, the plan drew on the expertise of a diverse group of actors.

In the White Paper used to produce NEMA the policy also states that mechanisms and processes must be established at all levels of government in order to increase the participation of the public "in defining environmental problems and seeking solutions" (DEAT, 1997: 41). One of the ways this takes place is through Parliamentary Committee meetings, established to "review and deliberate on the priorities in an integrated way for their particular sectors", as

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<sup>37</sup> SANParks is a national government agency overseeing and managing all South Africa's national parks.

<sup>38</sup> The plan indicates localities of Critical Biodiversity Areas (CBAs) and Critical Ecological Support Areas (CESAs). The CBAs are required to meet national ecosystem targets for terrestrial and wetland ecosystems according to the National Spatial Biodiversity Assessment (2004) (City of Cape Town, 2016).

well as “facilitate integrated cabinet decision-making and the cooperative approach of governance” (Gumede, 2008: 12). Committees also discuss substantial political and policy matters, and engage in cooperative interaction “on issues affecting their sectors relating to policy development and legislation”, among other things (Gumede, 2008). As part of the public process and thus as partners in policy-making, NGOs can present their opinions to MPs in committee meetings as they discuss a draft bill. However, NGOs do not use this platform as they do not see it as constructive.<sup>39</sup> Four out of the eight NGO representatives interviewed noted that they prefer one-on-one interactions with decision-makers in order to influence policy-making.<sup>40</sup>

In South Africa all eight of the NGO representatives interviewed said they work on government projects in order to develop policy, or they develop their own scientific knowledge and expertise, which they provide to government.<sup>41</sup> The explicit aim of NGOs partnering with government in policy was to serve the interests of both sides (that is, a partnership role was high on the agenda). Several NGOs stated that they work on most environmental legislation with government and they often play a partnering role with the government because of a lack of government capacity and resources to carry out projects.<sup>42</sup> WESSA works on most environmental legislation with government, such as NEMA, a representative pointed out. The NGO has also partnered with other government levels by working on local and provincial programmes in conservation, (Interview SA3, 6 February 2015).

### ***Partnership in policy implementation***

In the function of policy implementation, the effectiveness of policies hinges on addressing the right issues as well as effective implementation. NGOs such as WESSA work on local and provincial government programmes on conservation, especially helping departments to develop environmental education and conservation projects in implementing policy. At the local government level WESSA is involved with municipalities in developing environmental

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<sup>39</sup> Interview SA3, 6 February 2015; Interview SA4, 9 February 2015; Interview SA5, 24 February 2015; Interview I3, 22 January 2015

<sup>40</sup> Interview SA1, 24 October 2014; Interview SA3, 6 February 2015; Interview SA5, 24 February 2015; Interview I3, 22 January 2015

<sup>41</sup> Interview SA1, 24 October 2014; Interview SA3, 6 February 2015; Interview SA5, 24 February 2015; Interview I3, 22 January 2015; Interview SA4, 9 February 2015; Interview I4, 19 February 2015; Interview I5, 23 February 2015; Interview I11, 5 April 2016

<sup>42</sup> Interview SA3, 6 February 2015; Interview SA5, 24 February 2015; Interview I4, 19 February 2015

education and other environment-related policy plans (Interview SA3, 6 February 2015). WESSA implements the Eco-Schools programme, developed to support environmental learning in schools (WESSA, 2014c). Implemented in South Africa in 2003, the programme aims at “creating awareness and action around environmental sustainability in schools” (WESSA, 2014c). Particularly larger NGOs can also substitute for the state, including in cases where resources are required. Stakeholders such as the WWF, Cape Nature, the Table Mountain Fund and other NGOs carry out the Biodiversity Stewardship programme in the Western Cape, for instance. Cape Nature supports landowners by advising on management plans and assisting in conservation efforts, for instance, clearing invasive alien species and developing fire-management schedules (Cape Nature, 2013). Stewardship is the most cost-effective programme they have found for expanding protected areas, a Cape Nature official has noted, as many provincial departments have no money to buy new land. Therefore, in this programme the WWF buys the land and then gives it to Cape Nature to manage, making WWF highly instrumental in conservation initiatives (Interview SA9, 3 March 2016). EWT also works on all levels of engagement with government – “from on the ground with landowners to municipal and national level” (Interview SA4, 9 February 2015). One of their programmes, the EWT Drylands Conservation Programme (EWT-DCP), has a mission to support biodiversity, including threatened species such as the Riverine Rabbit – a threatened mammal in southern Africa and listed as Critically Endangered (EWT, 2014a). This project contributes to policy implementation by protecting South Africa’s biodiversity, especially endangered species. The EWT-DCP works in partnership with provincial conservation departments (EWT, 2014a), thus operating effectively as a bridge between stakeholders, if not as an implementation agency for the state.

### ***Partnership in policy monitoring***

As a third element in the complementary role of NGOs’ partnership with government, the function of monitoring policies and their implementation is a crucial activity for NGOs. This role is explicitly mentioned in a number of NGO public engagements (see Chapter Two). The various elements of the partnership role relate to and build on each other. Birdlife South Africa’s “Policy and Advocacy Programme” aims to ensure that development and other human activities are sustainably carried out (Birdlife SA, 2015a). The NGO focuses on EIAs, thereby partnering with the state in a monitoring function. This includes highlighting cases of resort developments taking place without compliance with the regulations of the relevant

provincial environmental authority (Birdlife SA, 2015a). In this role, Birdlife South Africa is aligned very closely with the government, specifically the DEA, according to a representative of the NGO (Interview I5, 23 February 2015). The line between partnering with and lobbying government is often a fine one. South African NGOs are aware of their closeness to government, try to use it and clearly do not regard themselves as mere instruments of state policy implementation. WESSA understands itself as a “motivating force” behind the country’s environmental decisions. The NGOs also strive to shape environmental policy, and to “ensure compliance by keeping a watchful eye on the South African environment through its extensive network” (WESSA, 2014a). For example, WESSA put out a position statement in 2013 on Tourism Development in Protected Areas. Protected areas are protected by law and managed mainly for biodiversity conservation. WESSA’s first point of entry in the statement was at the strategic level:

The relevant agency’s over-arching policy and strategy for tourism developments in protected areas needs to be made explicit before development is considered. All development plans should go through a transparent and consultative public participation process and should be in line with the Strategic EIA and the Protected Area’s management plans (WESSA, 2013).

WESSA calls on government to make appropriate investments in biodiversity conservation to put substance to its commitments as a signatory to the CBD and its statement of intent to achieve IUCN targets or protected areas. WESSA claimed that it was unrealistic to expect tourism revenues alone to fund this mandate (WESSA, 2013). The NGO thus does not simply monitor policy adherence by various actors, but aims to monitor policy relevance (including in the light of international commitments). While partnering with government (and advancing, for instance, the cause of DEA within government), some elements of an adversarial role are also obvious in this statement.

### ***Brief summary of points***

This section shows how formal mechanisms for participation in the institutional arrangements of South Africa’s environmental policy also include mechanisms for NGOs to fulfil a complementary role. With the examples of the functions by NGOs in this role, this section further illustrated how NGOs use formal mechanisms to partner with government in policy

formulation, implementation and monitoring. For the most part, it is the larger NGOs with access to funding and resources that carry out these functions and participate in policy-making. The examples show that national level NGOs such as the WWF, EWT, WESSA, Birdlife South Africa etc. are the organisations that have large paying memberships and access to overseas funding, hence these NGOs are able to engage in the policy process. Local NGOs, on the other hand, do not have these resources and consequently focus on smaller, community-based initiatives. KEAG is an exception in this regard, however, as it is a local NGO that has relations with the local City of Cape Town government and it has fulfilled various policy functions. KEAG raised funds through private entities in order to support its collection and development of scientific knowledge. These points again illustrate how South Africa's political system is open to NGOs and encourages their participation through institutionalising that participation in its various regulatory frameworks. Thus, other factors such as funding and resources have a greater chance of impacting on the roles of NGOs in policy processes.

#### **4.3.2 Informal institutional arrangements and the roles of environmental NGOs in conservation policy**

Informal institutional arrangements have also been identified in the roles of environmental NGOs in policy-making. While the formal avenues are well defined and prescribe mechanisms for NGOs to participate in policy-making, partnering with government is resource-intensive for NGOs and they seem to prefer to use other ways for engaging with the process. Many of the NGOs have to have the necessary finances and human resources in order to partner with the government on the projects; therefore, they prefer to use their personal interactions with government officials in order to influence a particular policy area they may be addressing.

##### ***Partnerships in policy formulation – using personal relations to impact policy***

In the complementary role, informal functions of interaction between government officials and NGOs include negotiations (which can be formal) such as behind the scenes interactions with policy-makers and unofficial discussions through personal exchanges (Kihato and Rampoo, 1999). These are often the most used methods of interaction.



Two representatives of large NGOs and a local government official stated that unofficial discussions with officials and policy-makers take place and have an important impact on the policy process.<sup>43</sup> Since many of the local environmental departments' staff are either members of conservation clubs or a member of a board of an NGO, government officials and NGOs often have close personal relationships, the local official pointed out (Interview SA8, 11 November 2015). Consequently, through these interactions and personal exchanges, unofficial discussions take place that in the end could have an impact on policy or environmental plans. Personal networks are important if NGOs want to have an impact on policy or get their message across to policy-makers, notes an NGO representative thus one has to be able to "mobilise opinion with personal relations" (Interview I3, 22 January 2015). Additionally, the NGO has to know "the temperature of the environment" they are working in, the same representative pointed out (Interview I3, 22 January 2015). This means that external factors matter and that in order to have an impact on policy, the NGO needs to know and understand how the political system works, who is making decisions and, in the South African context, understand that party politics is important as most policy decisions are made in the ANC's executive council rather than in parliament. This speaks to similar views in the literature that indicate executive decisions tend to matter more depending on whether countries have legislatures or not (Anderson, 2014).

In addition, smaller CBOs cannot always afford to travel to the Western Cape, and Cape Town specifically, where Parliament is located; hence, personal connections develop with government officials. Provinces such as the Northern Cape in South Africa are very poor, a WWF representative pointed out, and so NGOs that are based there do not have many resources or much funding to engage with policy processes through formal channels such as parliamentary committees (Interview I4, 19 February 2015). Therefore, personal exchanges and informal discussions are the key functions used by NGOs to interact with officials and potentially impact on policy processes.

### ***Platform for public engagement - letters to officials and petitions***

In the adversarial role, informal institutional arrangements include functions such as writing letters to government officials and compiling petitions, as well as demonstrations and media stunts. Lobbying is another activity used to persuade individuals or groups with decision-

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<sup>43</sup> Interview I3, 22 January 2015; Interview SA3, 6 February 2015; Interview SA8, 11 November 2015



making power to support an organisation's position. Additionally, general public policy debates (for instance in the media) and mobilising pressure groups are also used. Often the media can be a useful and important platform for NGOs to get their message across. An NGO mobilising the public through letters is Birdlife South Africa, which campaigns by getting its members to sign letters of support. In 2014 a Government Gazette noted the intent to declare the Greater Lakenvlei Protected Environment (GLPE). This started a public participation period of 60 days for comments. BirdLife South Africa encouraged its supporters to sign the "Letter of Support and to circulate to anyone who may have an interest in the Lakenvlei area" (Birdlife SA, 2015a). Organisations such as Greenpeace Africa also challenge the government's lack of compliance of environmental laws through letters. In 2014 Greenpeace Africa issued an open letter to the environmental Minister, "calling on her to hold polluters accountable for the damage that they cause, and ensure that they comply with the law" (Steele, 2014).

In addition, WESSA has written to the DEA officially objecting to permitting certain forms of fishing in the Tsitsikamma National Park Marine Protected Area (MPA).

WESSA is strongly opposed to the recent bid to open the Tsitsikamma National Park MPA to recreational and subsistence fishing as we believe that this move would endanger our national fish stocks. DEA has made this proposal at the behest of disadvantaged rural communities in the coastal area surrounding the MPA, who historically fished this coastline but whose fishing access has been completely denied since 2001. The DEA has previously made two attempts, in 2007 and 2010, to open this MPA to fishing at the behest of these communities (WESSA, 2016b).

In the letter WESSA states they strongly oppose "permitting *any* form of fishing in the Tsitsikamma MPA, as this would significantly compromise this critical marine biodiversity area" (WESSA, 2016b).

Petitions can also be used to demonstrate how much popular support there is for an issue. For example, a local NGO said they fought developers wanting to build on ecologically rich land though mobilising public opinion and getting signed petitions (Interview SA1, 24 October 2014). Awareness around environmental issues is created through publicity and the media; this included writing letters to the press, talking on radio as well as appearing on

environmental TV shows such as 50/50, a KEAG representative noted. Also, in order to build awareness among the local community, KEAG would create forums to solve problems with the community and different stakeholders such as the parks board (Interview SA1, 24 October 2014). Environmental NGOs in South Africa thus use various avenues of public engagement in fulfilling their adversarial role and holding government or other stakeholders accountable.

Other informal institutional arrangements include debates, which take place in community halls, civic associations, newspaper articles and radio stations (Ranchord, 2007; Friedman and Kihato, 2004). Research showed that even organisations with links to the government used informal mechanisms of influence as much as they did formal ones. This illustrates that even the organisations with good relations with government perceive that they have the space to express themselves in more radical ways (Friedman and Kihato, 2004). However, the same authors further note that whether these forms of interaction really influence policy decision-making is unclear and difficult to gauge.

Survey results, however, show that civil society organisations perceived that they had a far better chance (albeit limited) of influencing policy when both informal and formal mechanisms were used than when they restricted themselves to just one method of civil engagement with government (Friedman and Kihato, 2004: 170).

***Public contestation of government – mobilising the public through the media, demonstrations and publicity stunts***

NGOs who work on one particular issue usually use informal institutional arrangements to have an impact on policy such as mobilising the public and using publicity stunts. One example of this type of NGO is the Federation for a Sustainable Environment (FSE). In a case against acid mine drainage, the NGO holds the government accountable by publicising the government's inability to manage gold mining in South Africa, as well as by exposing mining companies for any infractions they commit. The NGO also raises public awareness around the issue and pressurises both the government and the mining sector to remediate environmental damage caused by mines on the West Rand (Funke et al., 2012). The advocacy strategy by the FSE starts with a request to a mining company for copies of their approved Environmental Management Programmes (EMPs), which are legally binding documents. They are used to calculate the company's environmental performance and management

(Funke et al, 2012). Additionally, evidence is collected from the mining sites, including photos, anecdotes, documents and testimonies from affected landowners and occupiers of land (Funke et al., 2012). Reports of perceived infractions are then sent to the relevant state department by FSE, asking them to regulate the offending mining companies. Photographic and documentary evidence is also disclosed to the media (Funke et al., 2012). In exercising their adversarial role, the NGO discloses controversial information to the public and thereby aspires to pressurise the state to act (Funke et al, 2012).

Similar to the Chinese case, activism against dam building has also taken place in South Africa, using both formal and informal institutional arrangements. This occurred both at the local and international level, where South African environmental NGOs and INGOs have campaigned. Two examples are highlighted. One example of intense public participation is the Berg River Dam project in the Western Cape. A consultation process with the public took place in the lead-up to the building of the Berg Dam (Thompson, 2008) during which all interested and affected parties came together to debate options on solving the Western Cape's water crisis. While the initial process of building the dam did not raise major issues as in other major dam projects, activism developed after the formal participation process, according to Thompson (2008). After the dam project was approved, two community groupings – the Franschhoek Community Alliance and the West Coast User Group (WCUG) – raised issues. The Franschhoek Community challenged government on the basis of socio-economic rights claims, and the WCUG raised environmental impact concerns (Thompson, 2008). In this instance, it was local NGOs that campaigned against the building of the dam as they found that there would be environmental impacts on their communities.

A second example illustrates activism at both local and global level leading to changes in the project – the Lesotho-Highlands Water Project (LHWP), a dam-building project initiated jointly by Lesotho and South Africa<sup>44</sup> (Meissner, 2016). This project illustrates activism taking place at both the global and local level. Interest groups from the local grassroots level, such as villagers in the area where the LHWP is built, to interest groups in South Africa and abroad were involved in opposing the negative effects of the large-scale project – be they socio-economic, political or environmental (Meissner, 2000). These issues were raised in various forums and targeted a number of state and non-state actors (Meissner, 2016). In 1995

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<sup>44</sup> “The purpose [...] is to divert water from the upper reaches of the Orange-Senqu River in Lesotho to the Vaal River system, as well as hydroelectric generation for Lesotho” (Meissner, 2016: 263).

the focus of the interest groups was mostly directed at the World Bank as the bank was providing partial funding to the LHWP (Meissner, 2000). The project authorities and especially the Lesotho Highlands Development Authority (LHDA) also came under attack from interest groups in Lesotho (Meissner, 2000). A small number of South African interest groups such as the Alexandra Civic Organisation (ACO) in conjunction with the South African National Civics Organisation (SANCO Soweto) also voiced their objections by having meetings with the Department of Water Affairs and the then Forestry Minister, Kadar Asmal (Meissner, 2000). Foreign interest groups were also vociferous in campaigns against the LHWP (Meissner, 2000). Three groups were particularly prominent: the International Rivers Network (IRN), the Environmental Defence Fund (EDF) and ELA.<sup>45</sup> Using informal methods, the ELA regional office in South Africa launched a campaign against the damaging environmental effects, using a statement to the media,

In 1998 the organisation released a statement wherein they questioned the ecological soundness of the LHWP, and the impact the project would have on Namibia. The ELA argued that phase 1B would have an adverse effect on the sustainable development of water resources in Southern Africa (Meissner, 2000: 20).

The ELA statement also called on President Nelson Mandela, Minister Asmal and the Lesotho government to stop all work on phase 1B and to abandon all other construction plans for phases 2, 3 and 4 (Meissner, 2000: 21).<sup>46</sup> The ELA calling on President Mandela at the time was quite significant as the “image of Mandela in world politics” could have been seen to raise awareness and potentially halt the project (Meissner, 2000: 21). Moreover, mass media and public opinion were used in an indirect line of communication with the government, as ELA posted the statement on the internet. The indirect communication possibly reflected the “group’s outsider status” and their inability to directly access the policy-makers (Sadie, 1998 in Meissner, 2000: 21). This last point links to the literature on governance and privileged access, illustrating that sometimes in order for NGOs to have an

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<sup>45</sup> The IRN’s focus, like that of the interest groups in South Africa and Lesotho, was also on the World Bank. Reasons for opposing the project included social and compensation issues, for example, the “relocation of people from inundated reservoirs” and the “protection of endangered species” (Meissner, 2000: 17).

<sup>46</sup> The statement was endorsed by the following groups: the Group for Environmental Monitoring (GEM), ACO, SANCO, the IRN, the EDF, ELA (Johannesburg, Durban, Cape Town, Pretoria, and Namibia branches), the EJNF – the Gauteng Provincial Steering Committee (EJNF Gauteng), the Institute for Human Rights Education, Somarelang Tikologo – Environmental Watch Botswana, the HCSAG, Friends of the Earth/US, the Centre for International Environmental Law (CIEL), the Berne Declaration, and Reform the World Bank Campaign (Earthlife Africa, 1998 in Meissner, 2000). This suggests an alliance of both foreign and national interest groups.

impact on the policy process, they have to use informal institutional arrangements as the formal mechanisms may only be for particular groups.

While some groups aim to put pressure on the government through media stunts and public opinion, five out of the six of the large national level NGOs interviewed noted that they prefer to work with government rather than perform media stunts, as they it may not always work or influence government enough to make a change.<sup>47</sup> A representative from WWF South Africa notes that it uses mixed strategies such as campaigns, the media and direct contact with government officials. WWF South Africa rather adopts diverse actions, the interviewee claimed, because the organisation has more resources, which enables it to play various roles (Interview I3, 22 January 2015).

### ***Brief summary of points***

This section illustrates how NGOs use not only formal methods to have an impact on policy-making, but also informal methods. Specifically, letters to the media are used in the adversarial role as a means to build public support, create awareness and ultimately get the attention of the government. This section shows how, in their complementary role, in most cases, NGOs prefer to use personal exchanges and discussion with government officials in order to get their points across and potentially impact on policy. Thus, while South Africa has a truly open regulatory framework for public participation in policy, informal methods and functions are also used and, for the most part, preferred.

## **4.4 Conclusion**

This chapter provided an empirical study of governing systems and political participation, particularly in a pluralist setting (South Africa). It examines the policy-shaping and advocacy roles of environmental NGOs in conservation policy in South Africa. The chapter first provided a historical account of the role of environmental NGOs in South Africa as this set the scene for further investigation as well as for understanding the shifts in the roles of NGOs and how the political system has shaped those roles. We have seen that the roles have evolved and changed over time. Despite very early engagement in civil society during apartheid, these three roles were fulfilled only after 1994. The chapter then examined the institutional settings for political participation in South African conservation policy. It did

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<sup>47</sup> Interview SA3, 6 February 2015; Interview SA5, 24 February 2015; Interview I3, 22 January 2015; Interview SA4, 9 February 2015; Interview I5, 23 February 2015

this by specifically looking at formal institutional settings such as participation processes set out in the country's environmental regulatory frameworks relevant to conservation policy. Examples of where roles are fulfilled by South African environmental NGOs were also provided. Here we have seen that in South Africa there is a range of formal arrangements for NGOs to participate in policy-making and carry out functions that lead to policy impacts. In many of the examples provided NGOs directly impacted on policy through these formal arrangements. Lastly, the chapter looked at informal institutional settings for political participation and included examples of NGOs carrying out roles through these processes. We found that most environmental NGOs in the country prefer informal mechanisms and functions to fulfil their roles. In most cases of participating in the policy process NGOs agreed that personal relations are necessary and are often the most important means to have an impact on policy.

Findings in this chapter ultimately showed that environmental NGOs in South Africa fulfil three roles in terms of Young's definition to impact on conservation policy. Environmental NGOs are seen to impact on policy through partnerships with the government in policy formulation, policy implementation and policy monitoring; providing services in the form of formal and informal environmental education and awareness programmes as well as monitoring activities; and through directly and indirectly challenging government and other private actors on environmental violations.

From these observations I can ascertain whether the political system has shaped the roles of environmental NGOs in conservation policy, or not. Historically, we saw changes in environmental NGOs no longer only focusing on conservation but also environmental issues linked to environmental justice. In this regard, the political system shaped the roles of environmental NGOs, pushing them towards an adversarial role. Now in South Africa's pluralist system, since the political transition, the roles of the broader NGO sector (and in the environment field) have changed more to complementary and supplementary roles as the new government and pluralist system needs the civil society sector and NGOs to work together with government towards addressing the social and economic needs of the country. The government further opened its policy-making process to one that was more inclusive and set out extensive arrangements for participation of the public. This could especially be seen in the environmental sector, where NGOs participated in major environmental governance processes in developing new environmental laws. These processes were kept open to civil

society – the institutional setting deliberately invites them to participate in policy-making. Historically, from the government's perspective civil society and NGOs were viewed as being on their side, especially because of their cooperative roles in the transition period. Thus civil society was included in the policy process and used for their expertise and services. However, at present civil society is more playing a more challenging role in their function of holding the government accountable for wrongdoing in South Africa. They continuously put pressure on the government in terms of what they have done for the country since the transition to democracy. Thus, from government's perspective NGOs may be viewed as much more oppositional in their adversarial role. This could lead to only certain NGOs being invited to participate in the policy process and thus link to issue of privileged access. Consequently, we see the roles of NGOs start to change as the years progress, even though the formal rules have not changed. In the environmental field NGOs do hold government accountable and pressurise them when there is cause to do so; however, many NGO representatives agreed that the adversarial role is not often used.

The formal institutional arrangements for NGOs in policy-making further illustrate how a space is almost reserved for NGOs in policy-making, while the government is obligated to consult with NGOs first before finalising policy decisions. Does this need for the government first to consult give NGOs a certain amount of power? If all NGOs agree on an issue and they have to be consulted, NGOs can shoot down legislation by just not choosing to consult. However, in most cases this form of collective action does not take place, because all actors have to be convinced to fight a cause. Hypothetically, if all NGOs were to agree to fight a cause jointly they would have to refuse to engage with government and thereby block legislations. But this is unlikely to happen as NGOs still prefer a complementary and supplementary role in their relations with the government. Also, in linking to the literature, formal consultations with government can also potentially be pointless for NGOs, as it can appear to be more of a performance exercise rather than providing a function for proper impact on policy.

Historically the political system of South Africa shaped the roles of environmental NGOs; however, today, with South Africa being an open pluralist regulatory system with major institutional arrangements for participation, in most cases, other factors tend to shape the roles of NGOs. Important factors are access to finance and other resources such as capacity. Therefore, in most cases larger NGOs with large memberships and funding have a greater



impact on the policy process, while local NGOs tend to focus their energies on other aspects such as providing services such as environmental education and awareness programmes. This speaks to the issues of privileged access in governance and participation where NGOs with resources mostly participate in policy-making or may even be invited to policy processes.

Additionally in South Africa, those with resources, i.e. NGOs that benefitted historically, are not necessarily on good terms with the government. This is because their views on environmental protection are prioritised over development as prioritised by the government. Thus, there may be more conflicting roles in this interaction between government and NGOs. Additionally, privileged access and selected NGOs invited to the policy process could be seen because of that potential for conflict. These and other issues relevant to points from the literature are further elaborated upon in the analysis chapter (Chapter Six).



## Chapter 5. China

### 5.1 Introduction

Because of China's vast environmental challenges, political decision-makers have put a great deal of emphasis on the environmental sector over the last decade. This is illustrated in the development of environmental policies and regulations; the growth of an environmentally-concerned civil society, especially NGOs; and the adoption of the 12<sup>th</sup> and 13<sup>th</sup> Five-Year Plans (China File, 2016), which spell out the need for sustainable economic development.

In a nation-state with as long a history as China's, with its strong political challenges, current concerns are often addressed with reference to historical developments. It was only in the mid-20<sup>th</sup> century that public protected areas (as they are known in the modern sense) were first introduced in China. However, concern with the environment can be dated back to the Qin Dynasty (221-207 BCE), when temple grounds were protected and the mountainous areas preserved as hunting reserves for royalty (Edmonds, 1994 in Xu and Melick, 2007). The Dinghu Shan Nature Reserve, established in Guangdong Province in 1956, is viewed as the first reserve to have official protection in China (Jim and Xu, 2004; Xu and Melick, 2007). Unfortunately, the "Great Leap Forward" in 1958<sup>48</sup> and further political mayhem during the period of the "Cultural Revolution" (1966–1976) meant that conservation efforts thus tended to be short-lived (Xu and Melick, 2007). Widespread environmental damage resulted during this period from the creation of industrial and agricultural projects as well as water control schemes that were ill-conceived (Xu and Melick, 2007). Likewise, the breakdown in social order during the Cultural Revolution – for instance, the oppression of scholars, the clampdown on ethnic and religious groups – placed a heavy burden on modern Chinese society, on the environment, and on the relationship between humans and the environment (Shapiro 2001; Xu 2006; Xu and Melick, 2007). Almost no progress was achieved in law-making that addressed environmental concerns between the founding of the People's Republic of China (PRC) in 1949 and the culmination of the Cultural Revolution in 1976 (Chen, 2009).

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<sup>48</sup> The Great Leap Forward (1958-1960) was introduced by the Chinese communist government to organise its massive population, especially those in the rural communes, to work on addressing the industrial and agricultural problems faced in the country at the time (Britannica, 2015).

Only after China officially implemented the 1970s opening-up reforms<sup>49</sup> did the environmental legal system develop (Jan, 1995; Mol and Carter, 2007; Chen, 2009). In 1972 the Stockholm Conference became one of the contributing events that supported the evolution of environmentalism in China (Ho, 2001). A gradual shift took place away from co-ordinated development by the government, which had explicitly prioritised the development of the economy, towards the promotion of sustainable development (Ho, 2001). China held its first national environmental protection conference in 1973 and in the following year the State Council set up the “Leading Group of Environmental Protection”, which was responsible for formulating environmental policies (Jan, 1995: 74). In 1978 the Chinese government enacted an environmental protection provision in its basic national law, the Constitution<sup>50</sup> (Beyer, 2006 in Chen, 2009). A draft version of China’s basic environmental law, “the PRC Environmental Protection Law for Trial Implementation”, was promulgated in 1979 by the National People’s Congress (NPC) Standing Committee; and in 1989 the trial implementation status was removed by China’s top legislature by enacting the “PRC Environmental Law” (Chen, 2009: 33). The new environmental law stipulated a system of basic principles and guidelines for the management of the environment, monitoring activities, liability and enforcement in addressing different types of pollution (Chen, 2009).

In the post-Mao era, in addition to new environmental laws, China further recognised the need for and the significance of protected areas, not only for environmental protection but also for scientific investigation. In the 1980s and 1990s the surface of protected areas increased dramatically (Xu and Melick, 2007). China’s environmental movement also saw the rise of environmental NGOs around the same time. At the time there were very few NGOs in China; however, during the mid-1990s citizens founded dozens of environmental NGOs (Xie, 2011a). The growth of NGOs was directly related to the spaces created by the state, which had realised that the magnitude of environmental problems confronting the country required an active citizenry and civil society (Ho, 2001).

New challenges were soon added as a result of China’s steep economic growth along a classical industrialisation path. In the 2000s China was faced with a dramatic reversal in energy efficiency gains. Furthermore, they were faced with increased social unrest and public

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<sup>49</sup> In 1978, the CCP launched economic reforms under the leadership of Deng Xiaoping. The economic reforms included introducing market principles as well as opening up the country to foreign investment.

<sup>50</sup> In Articles 9 and 26 of China’s 1982 Constitution the state is called upon to “ensure the rational use of natural resources, protect rare animals and plants, protect and improve the living environment and the ecological environment, and eliminate pollution and public hazards” (Chen, 2009: 33).

dissatisfaction about environmental pollution. Consequently, the Chinese government elevated the status of environment and energy issues in the country's 11<sup>th</sup> Five-Year Plan and instituted a series of governance reforms that had the potential to strengthen environmental protection (Wang, 2012). In the lead up to and during its 11<sup>th</sup> Five-Year Plan (2006-2010) "China began to add more teeth to its environmental pronouncements" (Wang, 2012: 120). This new plan included high-priority pollution reduction and energy-efficiency targets as well as a greater emphasis on transparency and public participation (Wang, 2012). This was the first time that participation was mentioned in Chinese environmental policy plans by including the public in the Environmental Impact Assessment (EIA) Law (2003) and national regulations on "open government information and open environmental information" (Wang, 2012: 122). China also implemented a range of new environmental reforms. In 2008, the State Environmental Protection Agency (SEPA) was elevated from bureau to full ministry status and renamed the Ministry of Environmental Protection (MEP) (Wang, 2012).

This chapter gives an overview of the roles of environmental NGOs in China's conservation policy-making and speaks to the larger discussion of the study on governing systems and political participation. Keeping the research question in mind, this empirical study on China provides an example of the roles of environmental NGOs in conservation policy in an authoritarian setting. It first outlines the historical evolution of the role of environmental NGOs in the country. Since civil society organisations were allowed to be established in the post-Mao period in China, the roles of civil society were impacted on by the many shifts taking place politically and in society. The third part of the chapter examines the formal and informal institutional arrangements, particularly the current political framework for political participation of NGOs in conservation policy, and it further examines the examples of the different roles of environmental NGOs, using Young's definition and indicators used for the comparison. Finally, a summary of the findings is provided.

## **5.2 Historical evolution of the roles of environmental NGOs in China**

China went through various reform periods under the leadership of Mao Zedong and his successors as Chinese Communist Party (CCP) leaders, some of which had disastrous impacts on the country as well as for society. Overall, the communist system was strictly averse to organised civil society beyond state-controlled "mass organisations" – which precluded the creation of NGOs in particular. Many shifts and key turning points thus took place for the country's civil society sector that in the end affected the roles NGOs could play

in China. In order to examine the institutional arrangements for the roles of environmental NGOs in conservation policy, it is important to understand the historical route of the civil society sector in China, and the effects on environmental NGOs through the different phases. This includes the Maoist period, the post-Mao period and the 1990s until now, when the numbers of environmental NGOs has grown dramatically. Other significant phases in between are also discussed.

***Phase one: masses organised in the CCP with no space for civil society***

The first significant developments for civil society in China took place during the Maoist period.<sup>51</sup> The highly centralised system instituted after 1949 resulted in an artificial/forced unification of state and society, featuring the “loss of independence on the part of society” (Deng and Jing, 2011). Firstly, state collectivisation by the Chinese administration in rural areas and socialist nationalisation of industry and trade in urban areas absorbed “all economic components into the framework of a planned economy”, which was dependent on politics and the eradication of conditions that were essential for the growth of civil society (Deng and Jing, 2011: 35). Secondly, through political propaganda by the state “study, discussion, debate, class struggles, self-criticism, reporting and organisation rectification”, social opinions and ideology were controlled by the state, resulting in a highly politicised social life (Deng and Jing, 2011: 35-36). This robbed society of any autonomy, and slowed down the development of the economy, limiting state functions and blocking any movements beyond state control (Deng and Jing, 2011).

Civil society was systematically stifled in Maoist China and NGOs were considered “counter-revolutionary.” After the 1949 revolution the CCP issued regulations, “Interim Procedures on the Registration of Social Organisations<sup>52</sup>”, regarding civil groups as a priority (Shapiro, 2012: 105). Under the 1950 registration measures, most social organisations were suppressed as reactionary organisations. The few that survived were subsumed into the government system (Shapiro, 2012). During the Mao years, and especially during the 1966-1976 Cultural Revolution, independent social organisations simply could not exist as they were viewed as potential threats to the CCP. Before regulations were promulgated for social organisations,

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<sup>51</sup> The Mao era lasted from the founding of the PRC in 1949 to Deng Xiaoping's policy reversal at the Third Plenum of the 11<sup>th</sup> Party Congress in 1978.

<sup>52</sup> Three major categories of social organisations include: membership associations such as trade and professional associations; civil non-enterprise institutions such as non-profit service providers; and foundations (ICNL, 2016).

China went through various reform periods under the leadership of Mao Zedong and other Party leaders that had disastrous impacts on the country as well as for society.

***Phase two: cautious opening up and experimenting with NGOs***

The post-Mao period, including the economic reforms in the 1970s, is the second era important to consider for developments in civil society in China. This period was a key turning point for environmental civil society as it included the development of environmental regulations by the government, revised regulations for civil society as well as the founding of China's environmental NGO sector. After Mao died and Deng Xiaoping came into power with economic reforms and his modernisation platform, space opened up for individual expression, freedom of information, and participation in unofficial social groups<sup>53</sup> only (Shapiro, 2012). Under Mao, everything had to be party-led and it was this top-down government that led to policy disasters such as the Great Leap Forward and the Cultural Revolution. This changed as the state opened up possibilities to outside actors, while still tightly controlling them. Market reforms and the Open Door Policy resulted in major changes for the economy and society's nature and structure (Howell, 1999). With the power and authority of the administration slowly retreating from the economy and social life, a more active civil society in China also emerged (Deng and Jing, 2011). Organisations were formed such as the "Self-Employed Workers Association, chess societies and democracy salons" (Howell, 1999). INGOs also entered China during this period. The World Wide Fund for Nature (WWF) China presented its debut programme in 1979 in its call for the preservation of China's pandas, making a "classical" entry through conservation policy (WWF, 2004). The Ford Foundation and International Crane Foundation also established themselves in China in the same period (Xie, 2011a).

New policies regarding civil society organisations were issued in the late 1980s, including the Regulations for the Management of Foundations (RMF in 1988) and the Regulations on Registration and Administration of Social Organisations (RRASO in 1989) (Shapiro, 2012; Hilton, 2013). Social organisations had to be authorised by a government agency supervisor in order to legally register (Shapiro, 2012), meaning independent organisations had to find a government sponsor in order to register, a requirement that remains in place today (Hilton, 2013). In 1989, this institutional innovation reached a peak when new, autonomous and

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<sup>53</sup> "From 1979 to 1989, the number of national-level social organisations increased 16-fold, reaching an official figure of 1,600" (Shapiro, 2012: 106). Local social organisations reached 200,000 in the same period.

politically motivated organisations challenged the authority of the party-state (Howell, 1999). Following the events of Tiananmen in 1989,<sup>54</sup> the CCP banned all organisations known to have political agendas and perceived to be a threat to the Party's authority (Howell, 1999). Consequently, all new social organisations were put under the Party's control through laws such as the 1989 Regulations on Social Organisations, making it compulsory for the registration of organisations with the Ministry of Civil Affairs (MCA) (Howell, 1999). This was a key turning point for the civil society sector as these regulations became a means to extend further control over society by the government. Additionally, this led to the government keeping tight control and a watchful eye over organisations that had a political agenda, for instance, human rights groups or gender equality and women's groups. As a result, many activists moved towards the environmental sector and established NGOs, a seemingly less controversial field.

The regulations for social organisations were revised in 1998 and in 2004, along with the Provisional Regulations for the Registration and Management of Popular Non-Enterprise Units (PNEUs) (Shapiro, 2012; Hilton, 2013). Some independent non-profits were able to register as PNEUs in the early 2000s, but many more remained unregistered, or registered as businesses (Hilton, 2013). Millions of organisations remained unregistered, "meaning that almost 90 per cent of these groups could not have a bank account under the organisation's name", as Shapiro (2012: 106) points out. Because of the complicated registration system and the many restrictions and requirements set by the government, many smaller organisations choose not to register. Hence, some of them operate as a business. Many of them also cannot access funding or raise funds since they are not registered, making their activities expensive and complicating their ability to receive donations (Shapiro, 2012). As a result, many NGOs in China struggle to this day with funding and capacity.

In another view, some NGOs see not registering their organisation as a way to get around the regulations and not having to operate under the control of the government. In this way, NGOs can perhaps undertake more activities than those which are registered. Many grassroots organisations operate fairly well without registration and often prefer it this way as they can do more activities (Spires, 2011). Furthermore, this can be seen as a form of protest or as an act of asserting civil agency, because by not registering, groups are challenging the

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<sup>54</sup> The Tiananmen Square incident (or the June Fourth incident) took place in central Beijing, where a series of demonstrations in 1989 "culminated on the night of June 3–4 with a government crackdown on the demonstrators in Tiananmen Square" (Encyclopaedia Britannica, 2016).

government's regulations and structures and are not willing to abide by its rules. Still, by not registering they perhaps do not have access to certain opportunities, government affiliations and bigger organisations, because they are not viewed as legitimate organisations.

The various issues concerning NGOs in terms of the government's control over them through the strict registration process and requirements have led to NGOs usually fulfilling complementary and supplementary roles. Also, with the Chinese government not able or reluctant to carry out a wide range of services and functions as it did before, a greater social space for organisations to "operate and to represent social interests, and to convey those interests into the policy-making process" has formed (Saich, 2000: 124). Additionally, social organisations have allowed a form of liaison of sorts between the "state and society" (Saich, 2000: 124). Since 1990 the numbers and types of civil society groups in China has increased dramatically; they include social organisations, business and industry associations, charities, foundations and non-profits. Chinese branches of INGOs have also proliferated during this period. After the UN's Fourth World Conference on Women was hosted in China in 1995, more INGOs with broader thematic scope started to work in other areas such as research on the environment, desertification and how to address climate change (Xie, 2011a). At the time, The Nature Conservancy (TNC) opened three offices in western China and Beijing, in addition to multiple project offices, while Greenpeace opened offices in Hong Kong, Yunnan and Beijing (Teets, 2012).

The 1970s to 2000s were thus a significant period for the growth and development of social organisations in China, especially for environmentally oriented civil society. In the environmental field the increasing diversity of actors and interests was a challenge to the Chinese government. Because of the conflicting goals of economic and social development, the Chinese government found it difficult to address environmental concerns successfully on its own. It was "at this nexus that the public space" for emerging environmental NGOs was formed, according to Knup (1998: 10). From the time of the 1992 Rio summit the Chinese government's attitude toward domestic environmental groups altered with a new focus on partnerships between governmental and non-governmental actors, thus creating space for the development of environmental NGOs (O'Neill, 2009 in Xie, 2011a) and for experimenting with space for civil society within a state that maintains the paramount leadership role of the Communist Party. China also issued Agenda 21 at this time – the first guidelines on sustainable development. The UN and foreign countries provided guidance to the Chinese



government in the implementation of Agenda 21, which also stressed the importance of partnership between the government and non-state actors, including with NGOs (Xie, 2011a). In 1992 China's State Education Commission issued a document stating that environmental education must receive attention in secondary education (Qing, 2004).

As the Chinese government entered into cooperation with foreign donors on environmental matters, the government was made aware "of the limitations of state monopoly in environmental governance" and of the need to include public participants (Xie, 2011a: 211). China had to adhere to conditions set by foreign donors as a large portion of the country's budget for addressing environmental matters came from international funding. This included NGOs being involved in environmental protection projects. Germany and the Netherlands pushed for establishing public participation mechanisms in policy discussions and for reforms to the structure of environmental governance in China's institutions (EU, 2007; International Development Committee, 2009 in Xie, 2011a). It therefore became compulsory for Chinese authorities to include a couple of social organisations in overseeing government bodies and the implementation of projects (Xie, 2011a). In this regard, there was a major role for environmental NGOs being pushed through from the foreign countries as well as greater collaboration between state and society. This means that there was an increase in democratic practices in China through these processes and connections with foreign countries. This links to some of the points raised in the literature about civil society – that the work of civil society and NGOs is important as they are schools for democracy and necessary for the transition towards democratisation. Still, while a move towards democratic practices in China appears to be occurring, it continues to be carried out in a strictly controlled and authoritarian manner by the Chinese government. Unlike to their counterparts in Taiwan, South Korea or some former socialist Eastern European countries, NGOs in China have not played a role in "directly challenging authoritarianism" (Tang and Zhan, 2008: 438). This reflects the literature dealing with civil society in authoritarian political systems. As discussed later in the chapter, there are very strict registration procedures for NGOs in China as well as control over their operations and ideas, illustrating that the move towards democratic practices is not as widespread as some may think.

### ***Phase three: 1994 – growth of "green" organisations***

A key turning point for environmentally oriented civil society took place in 1994 with the founding of the first environmental NGO in China, Friends of Nature (FON). This initiated a



decade of growth of environmental NGOs in China that mostly saw NGOs fulfil a supplementary role in providing environmental education and awareness-raising (Guobin, 2005). FON was the first organisation to carry out environmental education initiatives by traveling through the urban and rural areas of China in order to popularise participation of learners and schools in education on the environment. Later, in 1999 the Global Village NGO carried out recycling initiatives in communities where the concept of a green community was being developed (Chen, 2009). Besides the local NGOs providing educational services, in 1997 WWF China launched its successful Environmental Educator's Initiative (EEI) "with the fundamental goal of embedding environmental education for sustainability within China's education system" (WWF China in Tilbury and Wortman, 2004). Significant for this study, this project was successful in influencing government policy in developing the "national environmental education guidelines" in partnership with the Ministry of Education (Tilbury et al., 2003). Environmental education was high on the government's agenda and thus provided space for environmental NGOs such as FON and the Global Village to also carry out their activities.

Despite difficult conditions for NGOs, in a positive reading, environmental NGOs have adopted traditional and new collective actions in "order to promote environmental consciousness, sustainable development, and public participation" (Lin, 2007: 156). Typically, most NGOs have avoided using confrontational methods and rather make use of approaches that "encourage learning, cooperation, and participation" (Lin, 2007). This can be seen especially in the supplementary role they play. "The use of non-confrontational methods is a strategic choice for organisations at their fledgling stage, when radical challenges against the state are out of the question" (Lin, 2007: 156). In the past, environmental education in China was one entry point to environmental engagement by NGOs, besides conservation of species (for example, the Panda), which was an agenda of (or entry point for) INGOs.

The supplementary role also included monitoring activities in conservation during this period. In 1992 a management plan for the threatened panda species was launched entitled "China Giant Panda and its Habitat Protection Project (CGPHP)" by the WWF (WWF, 2004). Also, between 1996 and 2000 WWF China trained reserve staff as well as local government officials in Pingwu, Sichuan Province. Training included managing nature reserves, monitoring, conducting anti-poaching patrols and pioneering conservation through community-based approaches (WWF, 2004). While these descriptions of WWF's activities

illustrate their extensive role in conservation and environmental protection in China, WWF remains an outsider and notes that there is no formal participation in Chinese policy-making. While they fulfil a role of support to the Chinese government, they do not have formal access to the policy process (Interview I2, 24 June 2014).

China has witnessed the development of a range of “green” organisations, from top-down public lobbies such as GONGOs who work from within the government system, to grassroots organisations that engage in mobilising the masses on environmental issues (Ho, 2001). As mentioned in the literature review (Chapter Two), GONGOs are generally associations or foundations established by state agencies (including the party) or Chinese leaders and are funded by the government (Knup, 1998). Since the mid-1990s dozens of environmental GONGOs established in China including the Peasants’ Union, the China Communist Youth League (CCYL) and the All China Women’s Federation, which serve the government and its outputs through their policy enforcement and monitoring activities (Xie, 2011b: 167). At national and provincial levels environmental GONGOs perform a variety of structural functions as they have their own expertise and are able to contribute to policy-making on particular issues (Wu, 2003). Also, because of their links to society, especially at lower levels, and to the government “they can play the role of bridging state and societal interests” (Wu, 2003: 38-39). Environmental GONGOs include the Chinese Renewable Energy Industries Association (CREIA, established in 2000) and the All-China Environmental Federation (ACEF, established in 2005) (Xie, 2011b). Over the past two decades a certain level of autonomy has developed among GONGOs, with many of them beginning to lead the way in setting “professional standards and norms” in decision-making processes (Wu 2002; Zhang 2003 in Xie, 2011: 167b). For many scholars the concept of a GONGO is problematic, especially because of the “lack of separation between government and society” (Ho, 2001: 904). These points and debates were discussed in the literature review (section 2.3.3).

During the 1990s the number of environmental NGOs grew significantly. Several hundred organisations were established and while some groups organised national campaigns, others worked to build sustainable communities, and others used their legal expertise to assist victims of pollution (Guobin, 2005). Considering the size of China, several hundred organisations may not seem that significant; however, the fact that most civil society organisations working on issues such as human rights are either banned or scrutinised closely by the government because of their “sensitive” work, these numbers were quite significant at

the time. Many of these NGOs were local and/or grassroots NGOs working in their communities, as NGOs are not allowed to have branches in different provinces in China. Today, there are many national-level NGOs operational in China. While they do not have offices around the country, they still carry out projects in different parts of China by sending out staff to work in the field.

#### ***Phase four: the Three Gorges dam as a catalyst for advocacy***

A further key turning point for environmental civil society in this period was the beginning of the anti-dam campaigns in China. For example, the project of the Three Gorges dam on the Yangtze River was “unique both in China and throughout the world due to its size, the number of people displaced, and its potential environmental impacts” (Lin, 2007: 152). The project resulted in environmental NGOs quickly developing and triggering awareness around environmental concerns amongst the public<sup>55</sup> (Lin, 2007). Although the building of the Three Gorges dam had for years been deliberated in the Party, criticism of the project initially came from a journalist, Dai Qing in her 1989 book about the project, *Yangtze! Yangtze!* (Lin, 2007: 166). In the absence of strong environmental laws, many of those affected by the dam resorted to individual protest<sup>56</sup> (Lin, 2007). Links with INGOs during the anti-dam campaigns assisted China’s environmental NGOs in learning “about international norms and helped the development of advocacy networking with the international community”, Lin (2007: 153) argues. Although NGOs failed to change the decision on the project, their campaigning and awareness-raising initiatives did help to “lay the foundations for another campaign, the Nujiang Dam project” (2003-2004)<sup>57</sup> (Lin, 2007: 153), which succeeded in getting the government to suspend the project (Lin, 2007).

#### ***Phase five: “popular participation” without challenging the government***

The final important period to consider in the shifts in the environmental NGO sector is from the 2000s to today. During this period activism in anti-dam campaigns by environmental

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<sup>55</sup> The decision to construct the Three Gorges dam was made in 1992, when there were no Chinese environmental NGOs. Still, the “loss of biodiversity, the destruction of natural sites of cultural importance”, and the displacement of thousands “provoked a confrontation between society and the state” (Lin, 2007: 159).

<sup>56</sup> “In May 1992 179 people involved in a protest against forced resettlement were arrested in the rural county of Kaixian, Wanxian Prefecture, Sichuan Province. The Wanxian Public Security Department claimed that these people belonged to the Democratic Youth Party, an allegedly dissident group which they accused of carrying out counter-revolutionary activities aimed at sabotaging the government's policy of opening-up and reform as well as disrupting the smooth progress of the Three Gorges project” (Lin, 2007: 167).

<sup>57</sup> The Nujiang dam flows through the Gaoligong Mountain Nature Conservation Zone, with 6,000 types of plants and 25 per cent of the wildlife in China (Gao, 2004).

NGOs grew dramatically as did citizens' protests against pollution through their use of social media to galvanise support. This kind of activism has come to define this period in China's environmental sector, especially as it led to many changes in government attitudes regarding environmental protection and policy developments (as mentioned in section 5.1). A key turning point in this period was the activism against the Nujiang dam project. Chinese environmental NGOs insisted that the central government "hold open hearings and make the report on the Nujiang project public before making a final decision" (Lin, 2007: 171). Thus, in 2003 SEPA organised two forums for a discussion on the project and its implications for the environment, and to raise public awareness of this issue (Lin, 2007). Wang Yongchen, a representative of the Green Earth Volunteers (GEV) NGO and a journalist for China National Radio, "opposed the project at the hearings and convinced journalists to make the event known in the media" (Lin, 2007:171). The anti-dam campaign thus started with a handful of NGOs, including GEV, FON and the Yunnan-based Green Watershed (Lin, 2007). In their campaign against the project the NGOs undertook various campaigning initiatives such as conducting field surveys of the area, publishing articles in the media, organising seminars, delivering public speeches, handing reports over to the government, and getting the support from international actors (Lin, 2007). In 2004, "on 29 April, Premier Wen Jiabao suspended the project and called for more careful discussion and scientific evaluation" (Lin, 2007: 171). This signalled that there were changes in policy on dam projects as a national leader had for the first time "acted on the side of caution" (Lin, 2007: 171), further illustrating the strength in coalitions of NGOs. Consequently, as Chinese NGOs professionalise, they have increasingly entered specialised fields of environmental activism (Martens, 2007; Shapiro, 2012).

Domestically, environmental civil society was boosted by close cooperation with SEPA, now known as the MEP (Lu, 2005). SEPA, a strong supporter of environmental NGO activity, worked closely with NGOs to achieve common goals. NGOs often submitted reports on polluters and local problems and thus acted as SEPA's local agents. In this way, some NGOs tended to build alliances with specific agencies of the central government (Lin, 2007). The deputy director of SEPA at the time, Pan Yue, frequently called environmental NGOs "allies" and said that NGOs "could play a crucial role in acting as the government's watchdog", acknowledging that the government is unable to monitor the countless construction projects on its own (Lu, 2005: 6).

Better facilitation was needed between SEPA and NGO participation in environmental governance. Public hearings were thus promoted and became a “vehicle for popular participation in environmental decision-making” (Lu, 2005: 6). In 2005 SEPA organised its first public hearing to look at impacts on the environment. This hearing was streamed live on the Internet (Lu, 2005). Pan Yue said that the purpose of the hearing was to normalise “popular participation in environmental matters” and to help democratise policy-making (Lu, 2005: 6). Furthermore, in April 2006 the ACEF was launched by SEPA and included 30 NGO leaders on the executive council. This council was meant to fund capacity-building programmes for environmental NGOs (Lu, 2005). Since then, the environmental NGO sector has grown rapidly, with many NGOs partnering with the government on projects as well as NGOs attempting to achieve their own goals. The opening up is, however, not a linear development and restrictions have been (re)introduced lately, as the analysis of the current political framework shows.

The anti-dam protests were striking not only for the sensitivity of the issue, but also for involving people from all parts of the country (Lin, 2007). The Nujiang campaign “provoked suspicions among CCP officials and the subsequent crackdown on NGOs forced some to shut down” (Lin, 2007: 172). It also convinced Yunnan’s provincial government to “launch a thorough investigation” of environmental NGOs “to restrict their activities and prohibit their leaders from traveling abroad” (Lin, 2007: 172). In December 2005 Chinese leaders expressed fears about international funding to NGOs from the USA, concerned that they were helping NGOs “to cause political instability” (Lin, 2007: 172). The anti-dam campaigns were the “emblem of environmental activism in China”; however, the environmental movement remained vulnerable to suppression by the government (Lin, 2007). Consequently, this period was a major turning point for NGOs as not only were they increasing their environmental activism and taking on “bigger” issues such as anti-dam campaigns, but the government in turn was cracking down on a sector that it viewed as becoming more political. Considering the increasingly strict regulations placed on all NGOs in China today, the events of this period appear to be part of the reason for this.

A second key turning point in this period was the rise of environmental protests by Chinese citizens. While environmental NGOs mainly hold corporations and government accountable by engaging with multinational corporations (MNCs) to “green” their supply chains and initiate legal actions against polluting enterprises (Wang, 2012), Chinese citizens initiate

public protests. China has seen an increasing growth in illegal environmental protests, especially against pollution (Burgess, 2013). The State Security Bureau released figures indicating 58,000 protests in 2003, 74,000 in 2004, and 87,000 in 2005 (Mertha, 2010: 152). Since the mid-1990s, conflicts between polluting factories and local communities were quite common in the rural parts of China. Lately, protests of a larger scale have also occurred in China's urban areas (Xie, 2011a). Notably, because of record-high pollution levels, the country saw an unprecedented growth in Not In My Back Yard (NIMBY) demonstrations, where thousands of Chinese citizens protest against new polluting factories and plants in their towns and cities. While a project may be cancelled after such protests, as seen in China, in most cases, Shapiro (2012: 124-125) points out that more often than not this just results in the project moving to "a more vulnerable, less well organised community." The political system limits NGOs and/or their participation in protests. Thus, NGOs have mostly used the legal system to hold environmental violators accountable.

Traditionally, wronged citizens brought petitions to a higher authority or used personal influence or bribery to gain redress (Shapiro, 2012). Because of worsening pollution, the legal system has transformed with "more than 40 new specialised courts or tribunals dedicated to hearing environmental lawsuits [...] many of them brought by public interest plaintiffs including NGOs, private citizens, and Environmental Protection Bureaus (EPBs)" (Wang, 2011 in Shapiro, 2012: 128). Since 1998 the Centre for Legal Assistance to Pollution Victims (CLAPV) has advocated and won hundreds of cases and fielded more than 10,000 inquiries, "from those from a humble farmer whose ducks were poisoned by chemical pollution to fish farmers whose lawsuit led to the shutdown of a paper-mill in Shandong" (Shapiro, 2012: 128). The founder of CLAPV, Wang Canfa, has gained protection by having a high international profile and being based at a university, with close ties to the central government (Shapiro, 2012). Though China's legal system remains weak in implementation and enforcement, the court system has increasingly been used (Shapiro, 2012). The author does note that the numbers of such lawsuits are hard to quantify. Still, there appears to be a rising confidence in the rule of law (Shapiro, 2012).

NGOs are more inclined to look at the environmental violations by MNCs rather than abuses or negligence by the government. A further example of NGOs taking on MNCs and holding them accountable was the case against Apple and not the government. Although the government may be involved in the violation, the NGOs prefer to take on the MNC. Thus,



there are no checks and balances for the government. In the Apple example, a group of domestic and international actors formed alliances in 2011 in order to investigate the polluting practices of MNCs. For example, FON, the IPE, Green Beagle, Envirofriends and Najing Green Stone researched Apple Computers supply chain and exposed serious problems in 27 factories, according to Shapiro (2012).

Over the course of seven months, they interviewed villagers affected by chemical plants that supply Apple components, took water samples that revealed serious pollution levels, and produced extensive reports that they made available electronically, accusing Apple of failing to monitor its supply chain (Shapiro, 2012: 27).

The NGOs pressured Apple into becoming more transparent and to take responsibility for its suppliers (Shapiro, 2012). Since the campaign against Apple, factories that supply printed circuit boards to the company are closely monitored to meet waste-water discharge standards. “Today, Apple tops some 200 firms in a transparency index compiled by the NGOs, a far cry from the early days when it was ranked last among 29 IT firms” notes Lim (2017). From these examples, I can see how the government may put pressure on MNCs by using NGOs to go after them and hold them accountable. Often the international community talks about NGOs needed in China and in this way the government can show that there are NGOs operating and they are making a contribution towards addressing environmental challenges. However, by looking at MNCs rather than government, and thereby only holding particular actors accountable in this way, NGOs do not wholly fulfil the adversarial role.

### ***Phase six: broadening environmental roles and going global***

At present China’s environmental NGOs work on a broad range of issues as environmental challenges are widespread and cut across local and global levels, Challenges include air and water pollution, climate change and energy supply, and conservation-related concerns. In the last few years China has seen pollution reach record levels. In 2013 official Beijing readings for PM2.5, fine particulate matter that can cause serious health problems, suggested hazardous pollution levels of over 400 micrograms (mg) per cubic metre<sup>58</sup> (Burgess, 2013). Consequently, pollution is one of the major issues addressed by environmental NGOs such as

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<sup>58</sup> The World Health Organisation’s (WHO) guidelines say average concentrations of PM2.5 should be no more than 25 mg and air is unhealthy above 100 mg. The inhalation of these tiny particles can lead to respiratory infections and increased mortality from lung cancer and heart disease (Burgess, 2013).

the Institute of Public and Environmental Affairs (IPE), which monitors pollution levels in partnership with the government, and the CLAPV, which takes on polluting companies through the legal system. Recently, other NGOs such as FON and the Fujian Green Home Environmental Friendly Center have also used the legal route to campaign against polluters. In the same vein, water pollution is also a national priority area as the majority of China's lakes and rivers are not usable as a result of the environmental degradation and impacts of industrialisation and urbanisation. Thus, water resources in China are in short supply, severely polluted and often wasted (Liu and Raven, 2010). Many NGOs carry out projects on this priority area. For instance, the Shangri-La Institute for Sustainable Communities (SISC), carries out projects on sustainable water management in Shangri-La as well as to the smaller villages in the surrounding areas. The NGO also runs water schools and teaches at the local colleges, training students about water management.

Climate change is also a major issue in the country, as China's rising coal consumption to power its booming economy has led to it becoming the world's largest emitter of carbon dioxide. In 2014 China was emitting almost 30 per cent of the world's CO<sub>2</sub> emissions (Capiello, 2014). Since the 1990s extreme weather conditions has led to China experiencing an increasing impact on food security, ecosystems, water resources and coastal economies (Xu, 2014). Seven environmental NGOs thus called for initiatives for climate change adaptation to be included in China's 13<sup>th</sup> Five-Year Plan, (China's development blueprint for 2016-2020). The Chinese NGOs Greenovation Hub, Shanshui Conservation Center and the Global Environmental Institute (GEI), together with Oxfam, Greenpeace, TNC and the WWF, jointly called on the government to pass the laws on climate change speedily<sup>59</sup> (Xu, 2014). The Chinese government has since made huge strides in addressing this concern, both nationally and internationally.<sup>60</sup> The China Climate Policy Group (CPG) was also launched in 2011, where experts from across different sectors share and discuss issues related to climate and energy supply, build up the capacity of Chinese NGOs and foster a sustainable learning scheme. Individual NGOs such as WWF China, GEI, Greenovation Hub, the Paulson

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<sup>59</sup> Although in recent years China has launched low-carbon development programmes and carbon markets, plus heavy investment in energy-saving initiatives, work on adaptation remains slow (Xu, 2014). Thus, the NGOs called for adaptation measures to be included in regional and industrial development plans as well as for "combined industrial and ecological planning for environmentally vulnerable areas" (Xu, 2014).

<sup>60</sup> China's 13<sup>th</sup> Five-Year Plan released in March 2016 included targets to reduce energy intensity by 15 per cent and carbon intensity by 18 per cent compared to 2015 levels (Centre for Climate and Energy Solutions, n.d.). China also signed international climate change agreements such as the Kyoto Protocol and the Paris Climate Change Agreement of the G20 in 2015.



Institute and others are running projects that include sustainable development, focusing on solar and wind energy. In this way, NGOs are attempting to address the concern.

While it is important to note that environmental NGOs in China work on many issues, the focus in this study is on the conservation aspect. For instance, many local and national NGOs in China work on conservation issues such as protecting wildlife and threatened flora. NGOs also work on expansion of protected areas, and specifically try and help government officials and rangers in managing these protected areas. NGOs such as the WWF, TNC, SISC, the Paulson Institute and Shanshui Conservation Center do much work in this area.

This historical overview has shown the shifts and key turning points that took place for environmental NGOs that ultimately affected the roles they play in China's environmental sector. Since the opening-up period and the expansion of the civil society sector, NGOs are seen to fulfil all three roles as defined by Young. What is telling is that even though environmental civil society grew dramatically, there remains a great deal of control and restriction on the work of NGOs and other civil society groups in the authoritarian state. Consequently, environmental NGOs form part of a much broader civil society where complementary and supplementary roles with the government are preferred by NGOs and government rather than an antagonistic and confrontational one. NGOs are limited to these roles by government regulation. Thus, they have internalised government regulations and have to operate in a particular way. In this view, the authoritarian political system is seen to shape the roles of NGOs through their strict control and limitations of how NGOs can operate (through the strict registration process) as well as imposing restrictions on any kind of political agenda by NGOs; thus, the work of NGOs is often monitored and cannot adopt an anti-government or confrontational stance towards the government.

### **5.3 Institutional arrangements: controlled participation**

Environmental NGOs have played a significant and constructive role in the environmental sphere, which, given the authoritarian context of China, enjoys relative leeway from the state (Boyd, 2013). The government keeps a tight grip and watchful eye on most of civil society in China, especially groups that work on political issues, human rights, gender and law. This is because the Chinese government worries that new ideas and political ideologies will have a detrimental influence on citizens. For this reason, I view the environmental NGO sector as being special as it has grown dramatically in numbers across the country and managed to

enter political spaces where other types of civil groups have not been able to. Moreover, environmental NGOs in China are able to fulfil diverse roles and hold environmental violators to account. It is important to note their activities and inclusion in formal and informal institutional processes. The central government – and particularly dedicated environmental protection agencies within government – have generally adopted a positive attitude toward environmental NGOs, given their acknowledgement of their own inadequacies and limited capacities (Lin, 2007). Nevertheless, NGOs are still strictly regulated and limited in the scope of their activities and influence (Saich, 2000; Ho, 2001). The government remains wary of the potential for “politically-motivated social movements” created from environmental groups and their campaigns (Lin, 2007). Therefore, government acknowledgment and support are almost essential for NGO survival (Wang, 2000 in Ho, 2011). The strict regulations overseeing NGOs limit fundraising, membership and operations, which in turn limits the impact of the green movement (Shapiro, 2012). With the new law on INGOs drafted in April 2016 in China and its restrictions on their operations and fundraising, the relaxation of government regulations is not foreseeable in the near future; hence, the work of NGOs continues to be limited and/or restricted. There are, however, an unexpected number of groups in China that have developed a variety of approaches to fight to improve China’s environment, including NGOs such as the IPE, GEI, GEV and others.

Various institutional arrangements for political participation are set out in regulations for NGOs in China, including in the Constitution and environmental law. A large part of this legislation dates back to the late 1990s and early 2000s. The EIA Law and the Environmental Strategic Planning Law, which went into effect on 1 September 2003 (and were the first environmental laws to mention public participation processes) are examined here. China’s Environmental Protection Law (EPL), revised in 2014, is also examined. Many of the revisions in this law mention the inclusion of public participation in developing and promoting environmental policy. However, as shown later, NGOs are not specifically mentioned in this regard.

Furthermore, there is an extensive regulation and registration process for Chinese civil society groups. Organisations that register under the RRASO must place themselves under the responsibility of a state organ in their field of work (Teets (2012). This “professional management” system encompasses responsibilities, including overseeing the “ideological work” of organisations; “financial and personnel management, research activities,”; contacts

and international organisation, as well as the acceptance and usage of overseas funding, which is the primary funding source for larger groups (Teets, 2012: 72). This system is expensive and difficult for most groups; many simply register as a for-profit organisation and operate informally without any legal status (Teets, 2012).

Government regulation on fundraising is also strict, with domestic fundraising allowed only to government-organised charities like the China Red Cross Society and, since late 2010, to registered public foundations such as Jet Li's "One Foundation" (Teets, 2012). Because of these regulations, most organisations have low capacity in terms of domestic funding, staffing and geographical reach. The strict laws around funding have major implications for NGOs, especially in terms of their contributing to the policy process. Engagement in policy requires technical expertise that comes from well-resourced organisations which have access to funding and scientific research activities. Large groups and branch offices of INGOs receive the majority of funding in the form of international grants and transfers (Teets, 2012), while many grassroots organisations have to struggle to get funding for their work. NGOs are thus highly dependent on "sponsoring institutions" (Tang and Zhan, 2008: 440) which further impacts the work they carry out. Bigger organisations can carry out scientific research, collect data and produce expert reports that can be used to impact on the policy process. Without these resources, accessing the policy process can be very difficult.

This section looks at the regulatory framework for conservation policy which set out the various regulations and clauses for participation. The section also discusses the informal mechanisms used for political participation by environmental NGOs and further includes empirical data from the study's field research. Using Young's definitions of the three roles of NGOs, this section also provides examples of each role in conservation policy. The three roles and indicators (see Table 1 in Chapter Two) used in order to compare China and South Africa more specifically speak to the institutional arrangements for political participation (both formal and informal) in Chinese policy-making and more specifically conservation policy.

### **5.3.1 Formal institutional arrangements: the environmental regulatory framework and the roles of environmental NGOs**

A number of laws govern the process by which NGOs and other members of the public can work with the Chinese government. Some of the regulations that affect environmental NGOs

in their role in the policy process include China's 2003 EIA Law, and the Environmental Strategic Planning Law (Lin, 2007). These laws require

comprehensive environmental evaluations to be carried out at the planning stages of major public and private development projects. The law empowers environmental agencies to require environmental reviews before a project is approved. It also calls for public participation, including hearings, as part of the review, though it lacks specific guidelines (Lin, 2007: 170-171).

This law provides that NGOs, through public participation processes such as hearings, can participate in the EIAs of projects that may have environmental impacts. This regulatory framework is complemented by the Environmental Protection Administrative Licensing Hearings Provisional Measures of 2004 and the Provisional Measures for Public Participation in EIA Law of 2006. As the example of the Nujiang anti-dam campaign illustrated earlier, Chinese environmental NGOs insisted that the central government hold open hearings on the Nujiang project (Lin, 2007). In 2003 hearings were held and NGO representatives expressed their opposition (Lin, 2007). The legal frameworks of the EIA Law and Hearings Measures define measures for the participation of citizens in EIAs, "but implementation is weak and geographically uneven" (Sullivan and Xie, 2009: 424). The same authors note that NGOs face various constraints and, while the EIA Act affirms the right of public participation, in practice the law is seldom followed (Sullivan and Xie, 2009). The public participates in policy-making only through EIAs, typically because of concerns regarding the impact of construction projects, according to an IUCN representative (Interview I7, 8 July 2015) but as Xie and Sullivan (2009) note, there are few opportunities for NGOs to influence or even access environmental policy-making.

### ***The new NGO law – backlash***

As China's environmental challenges such as pollution continue to worsen, the MEP released the provisional Measures for Public Participation in Environmental Protection in April 2015 (China Development Brief, 2015). The draft law was formulated for the implementation of the provisions of the revised EPL relating to "information disclosure and public participation, and to advance the orderly development of public participation" (China Development Brief, 2015). The draft measures by the MEP are the first articles to address the issue of public

participation. The measures state the importance of public hearings before making decisions and the roles of environmental departments. With regard to the “scope” of public participation, the public can participate in the following activities:

the making and amending of related laws and regulations, environmental pollution investigations, environmental education campaigns, and other public interest activities in accordance with the current laws and regulations (China Development Brief, 2015).

A complete list stating how the public can participate in protection of the environment is also included in the draft such as: “setting up tip-off hotlines, monitoring pollution through email and social media, and hiring volunteers to be environmental inspectors” (China Development Brief, 2015). Hotlines are viewed as a safety valve for the government where citizens can express and register their discontent with polluting factories (Brettel, 2008 in Shapiro, 2012), rather than carrying out illegal demonstrations. As noted, this is a draft law and it could take some years before it is accepted by the NPC. Legal improvements are not a one-way street, though, and NGO legislation is apparently addressed from a number of different and conflicting perspectives. For example, the MEP might see certain NGOs as its allies. While this draft law is still in the process of being considered, other laws relevant to the work of environmental NGOs were promulgated such as the 2015 EPL that allows NGOs to take polluters to court.

An additional change in law may have far reaching consequences for the environmental NGO sector. The new law governing overseas NGOs was passed in 2015 at the Standing Committee of the 12<sup>th</sup> NPC and went into effect on 1 January 2017 (ICNL, 2016). Under the new law, the Law on the Management of Foreign NGOs’ Activities within Mainland China, foreign organisations have to register with the Ministry of Security and have to continuously update the ministry on their operations in the country (Wong, 2016; Phillips, 2016). This new law may have a great impact on the work of foreign organisations, especially INGOs, as the space for them to operate becomes increasingly limited and restrictive. In order to limit the influence of the groups, the law bans the “foreign groups from setting up regional chapters, recruiting members from among the public at large or raising funds within China” (Bhattacharjya, 2016). Most environmental NGOs have closed down their offices in parts of China and now only have one office in Beijing, according to NGO representatives

interviewed.<sup>61</sup> It will also be a requirement to submit annual reports with detailed information on their financial situation, spending activities and changes in personnel (Bhattacharjya, 2016). Moreover, the law enables the police to question NGO managers, search their homes and offices, and seize all their files and/or tools (Bhattacharjya, 2016). Many commentators have suggested that this law will have an enormous impact on the NGO sector in China, as many of them will either have to limit their activities or close down their offices.

Article 7 of the general provisions of the revised EPL notes that “the state supports scientific and technological research, development and application of environmental protection and encourages the development of environmental protection industry” (in EU-China Environmental Governance Programme, 2014). Article 14 further notes that “when developing economic and technical policies, relevant departments of the State Council” and all levels of governments must “take into full account their environmental impacts, and solicit opinions from experts and relevant stakeholders” (in EU-China Environmental Governance Programme, 2014). No mention is made of who those experts and relevant stakeholders are. Often in the Chinese policy-making process scientific and technical experts from academia are consulted rather than from NGOs. This negatively affects the engagement and influence of NGOs on the policy process.

Finally, Article 9 of the general provisions of the revised EPL states that various levels of government

shall strengthen environmental protection publicity and dissemination, encourage self-governing grassroots organisations, social organisations and environmental protection volunteers to carry out the publicity of environmental protection laws, regulations and knowledge (in EU-China Environmental Governance Programme, 2014).

Since these laws have been in effect, eight out of ten NGOs interviewed said that there is no formal public participation process for environmental NGOs in China. Sometimes they are invited by the government, but only to draw on their technical knowledge/expertise, a representative of an international environmental organisation stated. Still, there is no systematic process by which NGOs are consulted; invitations have been extended but sporadically and on a random basis (Interview I7, 8 July 2015). Moreover, “in China, you

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<sup>61</sup> Interview C6, 23 June 2015; Interview I9, 13 July 2015 and Interview I6, 11 June 2015

have to be invited to participate in policy. It is a top-down process. Only a small group of people can advise the government and often it is the best academics”, stated an environmental expert in Kunming (Interview I9, 13 July 2015).

The following section examines China’s environmental policy and formal institutional arrangements, where NGOs fulfil the three roles as described above.

### **5.3.1.1 Adversarial role**

In the adversarial role NGOs prod and challenge government “to make changes in public policy” and be accountable to the public (Young, 2000: 150-151). Functions of NGOs in this role noted in the literature include applying pressure on governments and mobilising the public through holding demonstrations, using media and the internet and starting petitions (Hutter, 2006). NGOs also use formal civic action to ensure compliance with regulations through the formal legal system. Through these functions, NGOs challenge and hold government accountable. In China, however, there are few formal institutional arrangements for NGOs to carry out these functions.

In China’s revised EPL of 2014, various rights are relevant to the adversarial role played by environmental NGOs. The first amendments to the country’s EPL were passed by Chinese legislators, “promising greater powers for environmental authorities and harsher punishments for polluters” (ICNL, 2016). The 2014 EPL “included a separate chapter regarding environmental information disclosure and public participation” (EU-China Environmental Governance Programme, 2014). Articles 56, 57 and 58 are relevant to environmental NGOs. The groups who aim to sue polluters are given special status and have their court fees reduced. Both NGOs and GONGOs are able to sue polluters (Agence France-Presse, 2015). Not too long after the new law was enacted,

two grassroots environmental NGOs filed a public interest lawsuit in Nanping city, suing four individuals for harmful mining activities in the area. The lawsuit was accepted by the Nanping Intermediate Court on January 1, 2015 (ICNL, 2016).



***Court action: holding environmental violators accountable in the face of government scrutiny***

A popular approach adopted by interest groups is litigation. For many years environmental groups in China such as the CLAPV fought polluters through litigation. Since 2015 NGOs are allowed to sue polluters and take them to court (Bloomberg, 2015). The new environmental law gives Chinese authorities more power to carry out “anti-pollution measures and fine” polluting companies or individuals, thereby making it easier for NGOs to use the legal route against polluters (Zhang, 2015). Since the law was only recently implemented, only a few successful cases of NGOs bringing polluters to book have occurred.

Still, not many NGOs in China are involved in legal action, according to an NGO representative, as not many NGOs have their own lawyers or the resources to do so (Interview C4, 25 June 2014). Huge obstacles remain for NGOs as litigation requires vast amounts of financial resources, capacity and technical knowledge. This is another reason why only certain types of NGOs can use this tool in order to play an adversarial role in addressing environmental concerns in China.

In relation to access to information and public participation, Article 53 of the revised EPL states that “citizens, legal persons and other organisations shall have the right to obtain environmental information, participate and supervise the activities of environmental protection” (in EU-China Environmental Governance Programme, 2014). This is very relevant for the adversarial role and the work of environmental NGOs in advocacy and holding environmental perpetrators accountable. Additionally, environmental information pursuant to the law must be disclosed by environmental protection administrations of the various levels of governments and other departments. They must also improve public participation procedures “and facilitate citizens, legal persons and other organisations to participate in, and supervise, environmental protection work” (in EU-China Environmental Governance Programme, 2014).

As noted before, China has extensive regulations in place for the operational work of NGOs through its regulations on the registration of social organisations. The government can also decide to “limit speech and advocacy” for particular organisations and “for specific cases that might be seen to negatively impact national security” (ICNL, 2016). The Assembly Law and Implementing Measures for social organisations contains unclear and restrictive requirements



that include five “days advance notification requirement; spontaneous assemblies not permitted; onerous obligations and liabilities on organisers; excessive time, place, and manner restrictions” (ICNL, 2016). In authoritarian states protests are forbidden, but in recent years in China illegal environmental protests against pollution have increased dramatically, as noted earlier (Burgess, 2013). The space for protest appears to be growing in this regard. Poor environmental conditions, especially related to air pollution, spark approximately 50,000 disputes and protests each year (Economy, 2008). Representatives of NGOs interviewed said they do not participate in protests, nor do they initiate them as this would mean their operations would be immediately shut down by the government.

In China INGOs tend to not challenge the government, but rather fulfil supportive roles and form partnerships with environmental departments in order to carry out projects. Greenpeace Asia, which also has an office in mainland China, tends to operate differently there compared to their activities in other parts of the world. They do not use their usual activist approach, nor do they challenge the government (Interview I8, 10 July 2015).

### ***Brief summary of points***

Historically, environmental NGOs have mostly stayed clear of controversial issues and especially avoided openly challenging the central and provincial governments. NGOs are not allowed to openly challenge the government on an issue, since challenging them would be viewed as opposing the Party. Thus, openly challenging the government certainly appear to be a problem for the central government, but it may be issue specific for provincial government. This is because the CCP in effect bans all kinds of opposition to the Chinese government. However, as shown with the examples above, this role of challenging and holding lower levels of government and enterprises (specifically foreign enterprises and less connected ones) accountable is increasingly fulfilled by NGOs and the public in general. Still, because of strict laws and newly enacted regulations, NGOs may find it difficult to fulfil this role as the government increasingly scrutinises their operations.

The adversarial role is more difficult to perform by environmental NGOs in China. As Tang and Zhan (2008: 438) notes, environmental NGOs in China contrast with NGOs in other countries where they “play an active role in demanding more government resources and action in environmental protection, in participating in environmental policy-making and, in monitoring enforcement.” Environmental NGOs in China challenging and holding MNCs

accountable are not exactly playing the adversarial role as described in the literature. NGOs in China holding MNCs or lower levels of government accountable are for the most part complementary and supplementary roles to the government. For instance, even during the anti-dam campaigns or NIMBY protests, NGOs did not challenge the government per se but the company or entrepreneur involved in the project. Thus, NGOs are viewed as helping government to implement its own rules, rather than holding state officials accountable.

### **5.3.1.2 Supplementary role**

In the supplementary model NGOs are seen as fulfilling the demand for public goods that cannot be achieved by the government (Young, 2000). In this role NGOs implement projects or public services where the government may be lacking in capacity or funding. Functions of this role include public education activities, as well as monitoring services. Through these functions, NGOs potentially contribute to bringing issues to the forefront of the policy agenda.

#### ***Formal and informal environmental education and awareness programmes: environmental consciousness-raising in China***

In April 2014 the EPL was amended and adopted at the 8<sup>th</sup> Meeting of the Standing Committee of the 12<sup>th</sup> NPC (EU-China Environmental Governance Programme, 2014) and came into force on 1 January 2015. Articles 6, 7 and 9 of the general provisions mention the role of social organisations in the protection of the environment. Article 6 notes that “citizens shall enhance environmental protection awareness, adopt a low-carbon and energy-saving lifestyle, and conscientiously fulfil the obligation of environmental protection” (in EU-China Environmental Governance Programme, 2014). Environmental NGOs fulfil the supplementary role of educating the public and making them more environmentally aware through environmental education, as this is a field still absent in many parts of China. Moreover, because of the authoritarian setting many NGOs undertake activities in partnership with their local governments. This is important for NGOs operating in China as approval from the government is essential. Most NGOs interviewed stated that they have some kind of partnership with the local government or EPBs in their cities or counties. The local EPB is needed to approve projects by the NGOs.

In China there are many local NGOs that work on one issue or within the confines of one area. In Kunming many smaller local NGOs work on environmental education and building environmental awareness such as the Kunming White Bird Reservation organisation, which works on the conservation of birds in the Kunming area as well as other parts of Yunnan province. An NGO with a greater scope, FON, also carries out a number of functions in providing environmental education services to the public as well as to schools. This includes publishing a monthly newsletter that reaches 4,000 to 5,000 subscribers; operating summer camps for children, with an emphasis on catering for those from poor regions; visiting schools in Beijing, and sponsoring day-long programmes familiarising students with local wildlife; and finally, holding conferences for teachers with invited environmental specialists (McBeath and McBeath, 2009). By providing education and awareness programmes, these NGOs contribute to enhancing national environmental awareness.

***Monitoring activities and training the population in monitoring the environment: building capacity and monitoring the environment in the face of government suspicion***

Articles 17 and 18 of the revised EPL (2015) are relevant to the monitoring function in the supplementary role. Article 17 states that environmental protection departments “shall formulate monitoring standards, in conjunction with relevant departments”; and further organise

a monitoring network, unify the planning of national environmental quality monitoring stations (posts), set up information sharing system for monitoring data, and strengthen the management of environmental monitoring (in EU-China Environmental Governance Programme, 2014).

Furthermore, Article 18 states that governments at the provincial or national level must organise “relevant departments or entrust professional institutions to make an investigation and an assessment of the environmental situation, and establish a monitoring and warning system for environmental resources carrying capacity” (in EU-China Environmental Governance Programme, 2014). Though NGOs fulfil significant roles in monitoring, no mention is made of their contribution to this practice in the revised law. Still, there are examples of NGOs carrying out this function. Since its establishment in May 2006 the IPE, for instance, has developed a database to monitor pollution. IPE’s aim was to expand

environmental information disclosure to allow communities to fully understand the hazards and risks in the surrounding environment (IPE, 2010). In recent years IPE's pollution monitoring has taken place in partnership with the Chinese government.

Monitoring activities are a particularly difficult aspect under the supplementary role for Chinese NGOs, as different levels of government could perceive their role differently and, because of the absence of the rule of law, the basic protection of the central government would be necessary. Monitoring within China can be related to national prestige activities, to which central government attributes high relevance. This is particularly tricky for NGOs when it comes to prestige activities. An NGO that has engaged extensively in monitoring national legislation is WWF China. In addition to their monitoring and conservation activities on the panda, projects also include the protection of the habitats of the Amur tigers in the Amur-Heilong River Basin, the protection of the freshwater dolphin's habitat in the middle and lower Yangtze River, and attempts to curb the poaching and trading of Asian big cats (WWF China, 2006). The work of the WWF, the Chinese government, conservationists and local communities has been so successful that the panda was downgraded from "endangered" to "vulnerable" during the IUCN meeting in 2016 (BBC, 2016). The WWF does considerable work in supporting the government, according to a WWF representative. The government welcomes NGO work, especially in wildlife conservation, and so WWF provides technical teams to do surveys (Interview I2, 24 June 2014). With the increasing capacity of local NGOs in China, monitoring activities are given higher priority. Before this, it was mostly the international organisations that had the capacity and expertise to monitor China's environment. However, in recent years Chinese NGOs, with improved capacity and scientific expertise, fulfil this role, for instance, the IPE (mentioned earlier), GEI and FON.

Training the population in monitoring the environment is another function of the supplementary role provided by NGOs. A project by WWF China that is similar to South Africa's CREW project is the Wetland Ambassador Action campaign. This campaign was launched by the WWF in 2001 to raise public awareness on wetland conservation (WWF China, 2006). This annual campaign brought together environmentally active students who conducted large-scale questionnaire surveys, field surveys and research on the Yangtze River and other regions (WWF China, 2006). In this way, WWF trained the students in monitoring the environment and played a supplementary role. TNC is currently assisting Lijiang Laojunshan national park in establishing a volunteer team to help conservation monitoring

programmes and formulating a patrol group to monitor the Yunnan golden monkey, as well as helping local communities develop alternative sustainable livelihoods (TNC, 2015b).

On a more local and grassroots level, the SISC embarks on training and community-initiated projects such as arming the local people in the community of Shangri-La with knowledge and new skills on sustainable ways of living (SISC, 2015a). SISC focuses on communities by doing capacity building and helping communities manage their own resources (Interview C8, 1 July 2015). The SISC also works with the European Union (EU) China project in nature reserves and conducts training workshops to rangers in 15 nature reserves including, Pudacuo, NAPA wetland, Baima Xueshan, among others. Rangers come to the institute to share their experience, a SISC representative (Interview C8, 1 July 2015) notes. By providing these services in education and training, SISC contributes to building environmental awareness among the public at the local level, as well as among rangers and government officials managing protected areas. These training and education services by the NGOs potentially contribute to enhancing the environmental awareness of local communities as well as tourists going into protected areas. The examples above indicate that both national and local environmental NGOs in China have increasingly fulfilled the supplementary role.

China has a wide-ranging regulatory framework for NGOs that impacts on their service provisions as their research activities have to be monitored. This could slow down the process of carrying out research and monitoring, while also potentially having the supervising agency interfere with the work of NGOs. In addition, government regulation on fundraising limits their role in monitoring, as they can only check on local government activities; they do not, for instance, provide comparative data across the country. Services are thus either very local, or the service these NGOs provide is intended for central government to ensure policy implementation at the local level. Also, most large Chinese NGOs and branch offices of INGOs received the majority of their funding from overseas; however, because of the new laws and closer scrutiny by the government, local Chinese NGOs are now looking to find local funding from Chinese businesses and individuals. Currently, China's e-commerce company, Alibaba, is one of the biggest funders of Chinese environmental groups. In 2012 the Alibaba Group set up a foundation to support the development of the country's environmental protection organisations (*China Daily*, 2012). NGOs thus count on entrepreneurial funders to sustain the organisation (Tang and Zhan, 2008).

Yet INGOs do face the same difficulties with registration as smaller groups do, not least because of their nation-wide organisation, since they are potential challengers to central government. The new law on foreign NGOs may have possible implications for INGOs in their service provision, especially in monitoring activities. As the law bans foreign groups from setting up regional chapters, their monitoring work is restricted to one area. Also, NGOs depend on funding from outside. The new law insists on closer financial scrutiny, which could lead to some groups no longer being funded.

An example of where regulations have limited the work of INGOs is the experience of TNC and its establishment of a protected areas system in Sichuan province called a “land trusts reserve”, which is both funded and managed by civil society (TNC, 2015c). Since 2011 NGOs have been trying to build and manage protected areas by using the land trusts model, where protected areas are authorised by government and managed by the NGOs. The first one, the Old Creek Land Trust Reserve, was established in Sichuan, Laohegou, which is a panda habitat. The government had authorised a local Chinese foundation, but TNC was the organisation behind it. TNC fulfils a role as a science advisor. The local foundation provides funding and formulates an authorisation relationship legally with local government (Interview I6, 11 June 2015). Although TNC was the project developer of the land trust model, they could not establish the reserve as they did not have the authorisation to do so. INGOs cannot fulfil an authority role in China in this type of system as there are no regulations for them to do so. Hence, a local foundation or group has to fulfil the role of authorised institution, while TNC does the actual work. This example demonstrates how INGOs are limited in what they can do. While they may operate and carry out projects or develop new systems for environmental protection in China, they do not have any authority to establish them. Either a government department or a local NGO has to formulate authorisation for the project, whilst the TNC manages it. So far the project has been successful with five land trust reserves established and all of them authorised by the government (Interview I6, 11 June 2015).

### ***Brief summary of points***

As noted throughout, there are possible implications of this legislation for service provision by NGOs, such as the limitations on their funding; the oversight of a supervisory body on their activities, research, and finance; and limitations in their geographic reach as they cannot establish groups in more than one area, thus limiting their monitoring capabilities to a local area and not nationally. On this last point, it is illegal for NGOs to establish working groups

or have NGO branches in different parts of the country; hence many of the INGOs that previously had offices in different provinces have closed them down. Most NGOs now have headquarters only in Beijing or Shanghai, as this is close to the policy-makers and where they can potentially have an influence. By not having proper facilities in different parts of the country, many NGOs are limited in what they can do. Hence, they try to send out a team of NGO representatives to different sites in order to address specific environmental issues. For example, TNC has its headquarters in Beijing, but it also has one representative working in Kunming who goes out into the field in various parts of the Yunnan province to check on the organisation's projects. This obviously limits the NGO in what it can do and also minimises its monitoring capabilities in providing this service.

The oversight from a supervisory body on the activities, research and finance of NGOs also potentially hinders the work of NGOs as well as limit their supplementary role and functions. A supervisory body may want to have a say in how operations should take place or what kind of activities are allowed. This can be the case especially for local NGOs that do not have the resources and capacity to undertake projects on their own, and who ultimately need links to officials in order to run their projects, for instance. Also, the oversight from a supervisory body could potentially have negative implications in trying to influence the NGO with their own agenda. They may even use their authority to influence research findings and what is used in research reports.

### **5.3.1.3 Complementary role**

In the complementary role, NGOs are seen as partners to government, helping to carry out the delivery of public goods largely financed by government (Young, 2000). Functions of NGOs in this role include partnership in policy formulation through information gathering, used to influence and advise about technical and strategic issues; offering analysis and policy alternatives to state regulators in policy implementation; and engaging in monitoring governmental policies and evaluating their effectiveness. Engaging with government often starts with a partnership function in the policy-formulation process.

During the Mao period China had a highly centralised, top-down system for law-making. Since then, while the system of authoritarian one-party rule remains untouched (and somewhat untouchable), much of the policy-making process has begun to change, according to some authors (Tanner, 1995; Heilmann, 2008; Mertha, 2009; Chen, 2009). Tanner (1995:



44) describes China's policy-making system as a "multi-stage, multi-arena" process. The "primary location for political battles" over a draft law moves across the "Party Centre, the State Council (and its ministries) and the NPC" (Tanner, 1994: 44). The Chinese law-making process may be divided roughly into five major stages:

Agenda-setting: getting a particular draft law on the agenda of major state law making agencies. 2. Inter-agency review: consensus-building about the draft law among major state agencies such as the concerned State Council ministries. 3. Top leadership (usually the Politburo) approval of a draft 'in principle' 4. National People's Congress review, debate and passage which is formally signed by the President) 5. Implementation by State council ministries and localities: including explication of the law into 'implementing regulations,' plus its actual implementation or adjudication as policy (Tanner, 1995: 44-45).

The NPC (legislature) is the least powerful branch (Chen, 2009). The NPC, described as a "rubber stamp" by Western media, "is regarded by the Constitution as the nation's top legislative body," ratifying all environmental laws (Chen, 2009: 17). In reality, the proposed laws are drafted by the Chinese State Council, which then "refers them to the NPC and its Standing Committee" (Chen, 2009: 17). At various levels of government, the NPC hosts plenary sessions annually "and delegates have very limited power in supervising the law enforcement in practice" (Chen, 2009: 17). In terms of an "independent judicial system," at all levels of government China has a courts system, which is under the control of corresponding party committees (Chen, 2009: 17). Without sufficient supervision, selective law enforcement can become rampant and *guanxi* (social connections) can be essential<sup>62</sup> (Chen, 2009). Depending on social connections and the bribery that can take place between officials and entrepreneurs who want to influence policy, the implementation of particular laws can take place with varying degrees of effectiveness. If you have the money and the right social connections, you can potentially have an impact on the policy process. As mentioned, the effectiveness of NGOs can be impacted on by other factors such as the attitudes of government officials and the site of decision-making (see Diagram 1). This is

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<sup>62</sup> "If entrepreneurs keep good relations (*guanxi*) with local officials through bribery in forms of cash, valuable gifts, invitation to banquets, and all-expense-paid trips abroad, it is not difficult for them to maintain compliance with strict environmental standards and thus lower the manufacturing cost" (Chen, 2009: 18).



seen in many parts of China, where companies have flouted environmental rules by colluding with local officials.

Heilmann (2008: 2) describes the Chinese policy-making methodology as “proceeding from point to surface”, which “entails a policy process that is initiated from individual ‘experimental points’ and driven by local initiative with the formal or informal backing of higher-level policy-makers” (Heilmann, 2008: 2).<sup>63</sup> The establishment of national parks in Yunnan Province by the provincial government and the TNC is one example of point-to-surface policy-making. Together they established the first national park in China. Draft regulations were developed at the provincial level and if they were successful, the Yunnan provincial government intended implementing the Yunnan national park system nationally. This plan was eventually halted as the Chinese government decided to undertake its own national parks pilot project, which entailed the development of nine parks in nine provinces in China. From these pilot projects, a Chinese “national park” system will be developed at the national level later on (Interview I6, 11 June 2015). Government does not have to check with NGOs and thus there is no due process for them to check with and include NGOs; this is unlike South Africa, where participation of the public and NGOs in particular is set in the regulations and thus government is obligated to check with them.

### ***Partnership in policy formulation***

Strategies also look familiar on the surface from a pluralist perspective: some of the strategies NGOs in China use to influence policy or inform the state include sending reports and policy recommendations to the state agencies; for example, one NGO sends its proposals to the government through the Bureaus for Letters and Visits and through the people’s representatives (Salmenkari, 2014). Other NGOs prepare and publish policy statements together with people’s representatives sharing their concerns; the initiative does not always come from NGOs, but from government soliciting information and technical know-how from NGOs or individual NGO activists (Salmenkari, 2014). Environmental INGO representatives in China said they get called in by the government to provide technical information to the MEP and local environmental bureaus (Interview I7, 8 July 2015). This, however, takes place

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<sup>63</sup> “This expansion process requires progressive policy refinement and effects a search for generalizable policy solutions. The tried-and-tested novel approaches emerging from this process are integrated into national policies after further revision. Thus, the point-to-surface technique gives room to local officials to develop models on their own, while ultimate control over confirming, revising, terminating and spreading model experiments rests with top-level decision makers” (Heilmann, 2008: 2).

on an informal basis and often transpires because of personal relations and partnerships from previous projects between NGOs and government. This illustrates some of the points raised in the literature review regarding privileged access and who gets invited in participation processes in new governance institutional settings. In China NGOs have to be invited to participate. There are no formal legislated institutional processes for participation in the policy formulation process for NGOs.

### ***Partnership in policy implementation***

Similar to policy formulation, there are no formal institutional arrangements for partnerships in the policy implementation function for NGOs. Still, there are occasions where the government invites NGOs to participate in particular process. The Chinese government initiates pilot policy projects at a local and/or provincial level in some parts of the country with the help of civil society groups, and if they are successful, the policy becomes national policy (Teets, 2012), as illustrated above with the example of national parks. Pilot projects and other methods for social service delivery by the government “opens opportunities for NGOs to be part of policy-making process” (Hsu and Hasmath, 2017: 23). Thus, by participating in pilot projects and carrying out projects for the government, NGOs contribute to policy implementation.

The expertise of INGOs has allowed them to partner with government in the implementation of environmental policy projects. In China the WWF focuses a considerable amount of its work on the forestry sector. In 1998 China issued a logging ban after the degradation of forests as a result of large-scale logging between the 1970s and early 1990s. In 1999 the WWF, in partnership with the SFA, “helped introduce the concept of timber certification into China by co-sponsoring the first conference on certification ever held in the country” (WWF China, n.d.). A National Working Group on Forest Certification in China was founded in 2001. To date 1.4 million hectares of forests in China have been certified by the Forest Stewardship Council (FSC) (WWF China, n.d.). By undertaking these initiatives, the WWF has contributed to the implementation of Chinese laws on sustainable timber trade.

Similarly, WWF China carried out projects that link to policy implementation, for instance, the fresh water programme. Since 1999 WWF has helped the SFA develop the China

National Wetland Conservation Action Plan and nominated 30 Ramsar sites<sup>64</sup> (WWF China, 2006). Specific initiatives are focused on restoration, conservation and sustainable use of wetlands, restoring the linkage between lakes and the Yangtze, conducting wintering water-bird surveys and establishing a wetland conservation network, and organising the Wetland Ambassador Action campaign (WWF China, 2006). WWF China has also cooperated with the Council for International Cooperation on Environment and Development (CCICED) to set up a task force on Integrated River Basin Management (IRBM) and proposed the framework and policy recommendation for the implementation of IRBM in China. The Yangtze forum was inaugurated in April 2005 to provide a platform for departments, local governments, enterprises, experts and the public to share information and improve cooperation on IRBM (WWF China, 2006).

The partnering approach is also recognised by external partners, trying to include NGOs in their work. SISC and the German development agency Gesellschaft für Internationale Zusammenarbeit (GIZ)<sup>65</sup> have partnered with China's Ministry of Environment to implement the Community Integrated Nature Reserves for a Sustainable China project under the EU Environmental Governance Programme (EGP) (SISC, 2016). The project focuses on nature reserves and the communities surrounding them or living within the area. The NGO works in partnership with staff of the nature reserve, the local EPBs as well as local enterprises in order to enhance capacity and the management of the environment (SISC, 2016). These examples seem to indicate that more space might be opening for both local NGOs and INGOs to partner with various departments of government in environmental policy and projects. However, with the new law on foreign NGOs, this space also seems to be closing and NGOs will either have to find creative ways to engage in partnerships and/or work on projects. For instance, a TNC representative stated that it is imperative for a foreign NGO to partner with a local NGO in order for them to pursue their projects, as big projects are not allowed under the foreign organisation's name. These types of events make things very difficult for INGOs and could potentially force them to pack up and leave China. In the case of local NGOs, while space has opened for them to undertake projects and even partner with local officials, strict regulation and recent pressures from government on civil society might be changing this.

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<sup>64</sup> China joined the International Convention on Wetlands on 31 July 1992 and designated seven wetland sites as the Wetlands of International Importance (known as Ramsar sites).

<sup>65</sup> GIZ is an international cooperation enterprise that supports the German government's development agenda.

Again, NGOs will have to find creative ways to carry out their projects and operations, within the legal system of course.

### ***Partnership in policy monitoring***

Similar to the other policy functions, there are no formal institutional arrangements for partnership in the policy monitoring function of NGOs. Still, environmental NGOs in China carry out this function. One level of engagement that allows for monitoring of national laws is international agreements and their effects and implementation within China, i.e. for national activities that draw attention to illicit activities (by international convention or legal agreement) within China. Chinese environmental NGOs are increasingly joining forces with citizens' groups around the world, addressing issues of global concern, which in turn leads to the Chinese government having to address the issue too (Shapiro, 2012). In collaboration with the INGO TRAFFIC, for instance, monitoring of "compliance with the 1973 CITES" takes place "in an effort to force the government to deal with the illegal wildlife trade that is rampant in public markets throughout the country" (Shapiro, 2012: 110). Through these campaigns the Chinese government has undergone some policy shifts and embarked on different routes to address the illegal wildlife trade. This has included signing agreements such as Memorandums of Understandings (MoUs) on wildlife trade with affected governments such as South Africa and Kenya, as well as introducing an ivory ban in China for one year (Burgess, 2015). In this case, TRAFFIC fulfilled an important complementary role in its monitoring function of the Chinese government's compliance with international environmental standards and protection.

At the local level, this function has also been seen in China. For over ten years improving China's legislation on conservation and protected areas and "enacting a national law have been goals for devoted scholars and conservationists" (Yun, 2013: 295). NGOs and academics have tried to influence the policy process during a revision of the 1994 Regulations on Nature Reserves. A small number of local NGOs, INGOs and experts did extensive research in this area and proposed a revised version of the law to the NPC in 2013. During the NPC process of review and debate, the procedure to change the law was stopped and since then there has been no further talk about the changes (Interview C16, 16 July 2015). For years NGOs tried to get the government to update the regulations on protected areas in China, as they believe that the current regulations on nature reserves are out of date. Moreover, there are draft regulations in place, yet nothing has come to pass because there are

constant disputes about name changes and which government department will be in charge of, or have authority over, this area.

NGOs mobilise the public to force the state to take action. They do this by undertaking policy monitoring by investigating cases of mismanagement or polluting industries, and exposing them for the state to take action. NGOs inform the government about the problems they have identified in the hope that the government resolves them (Salmenkari, 2014). This is seen where environmental challenges have appeared to overwhelm the government. One example is the NGO, IPE, and the pollution map it developed. Chinese citizens can download an application on their mobile phones in order to view how polluted their cities are and thus respond appropriately. If pollution levels are high, then citizens are warned to take precautions, for instance, wearing masks when going out or ensuring that children and older people stay indoors as they are more at risk of having their health impacted on by heavy pollution. The IPE gets its data from the Chinese government and thus distributes the information for the government (Interview C11, 11 July 2015), thus IPE and the MEP have a close relationship in which the government produces reports detailing polluters and the IPE advances the political campaign to effect change (Shapiro, 2012). They are “another arm of the government that can help to monitor the environment from the bottom up” (Shapiro, 2012: 116). This can be viewed as an example of policy implementation too. Still, there is no formal arrangement to this partnership set in a regulatory framework.

Policy monitoring functions are also seen in projects of environmental NGOs in China. In GEI’s programme overview on their website, the institute states that part of their objective under “Energy and Climate Change” is their aim to “develop policy tools and market mechanisms suitable for China’s national conditions” (Global Environment Institute, 2016). Under the heading of “Trade, and the Environment,” they further aim to

facilitate government implementation of environmentally friendly policies and guidelines for investment and trade, while urging policy-makers to place greater importance on sustainable development and resource use (Global Environment Institute, 2016).

GEI, which also does work internationally, helped the Chinese government create guidelines on environmental and social corporate responsibility for overseas investment companies. After noticing the vast environmental impacts of overseas Chinese companies, GEI first made

the government aware of the issues in 2007. At the time awareness was still very low, so they then produced a research report on outward Chinese investment which led to the need to improve the environmental impact of Chinese companies. In the end the NGOs guidelines in collaboration with the government were released in 2013 (Interview C17, 17 July 2015).

### ***Brief summary of points***

NGOs have increasingly participated in the environmental policy process in various ways, as these examples show. However, the effects of newer legislation, as analysed in the previous section, are not yet included and might negatively impact on NGOs' ability to engage in policy-making processes. Moreover, while examples are provided where NGOs have partnered with government in all three policy functions, the fact that there are no formal institutional arrangements for these functions must be highlighted. Thus, it is difficult to say categorically that NGOs fulfil the complementary role. In some ways they do, but this is mostly through informal institutional arrangements. Again, this speaks to the literature on governance and participation issues, where outside actors sometimes have to be invited to participate in policy processes. These and other points are discussed further in the conclusion of the chapter.

### **5.3.2 Informal institutional arrangements and the roles of environmental NGOs in conservation policy**

All the formal processes in policy-making in China are run by the Party (McGregor, 2010). While it appears as if China has an evolving government system that is opening to outside actors, scholars like McGregor argue that “for all the reforms of the past three decades” the CCP has made its main mission to keep its grip on power over the state (2010: XXI). The party and its leaders have done this by placing party members in key positions “in every arm and at each level, of the state” (McGregor, 2010: XXI). As noted earlier, even though China has a legislature (NPC), the State Council made up of CCP members drafts proposed laws. The influence of the State Council in policy-making ultimately comes from overseeing all “ministries, commissions, and other administrative agencies” (Chen, 2009: 17). Regardless of the fact that China has a legislature and a political advisory body to the government, the

Chinese People's Political Consultative Conference (CPPCC)<sup>66</sup>, in reality the CCP and its State Council make all decisions regarding policy. Formal processes are not really utilised even if they do exist because of this. Informal processes at Party level are more meaningful, however. Officials have to go through the Party in order to get issues on the agenda. This is similar for NGOs. In order to raise awareness of issues and have an impact on policy change, NGOs have to go through the Party.

Informal mechanisms for participation in conservation policy are mostly used by environmental NGOs in China. This includes personal relations and interactions with government officials and EPBs; using the media, specifically social media and the internet to get messages across; letter writing and petitions; as well as public forums that are organised and hosted by NGOs, more often than not INGOs.

***Partnerships in policy formulation and implementation – using personal relations to impact on policy***

While some public participation processes are prescribed in law such as consultations, hearings and complaint hotlines, most environmental NGOs interviewed said that the most effective way to influence government or environmental officials is through personal relations as there is no formal public participation process in China in practice.<sup>67</sup> In the environmental sector, despite laws NGOs use existing GONGOs to influence policy and engage with officials as they are already linked to the government (Interview I7, 8 July 2015). Thus, it is hard to measure the effectiveness of NGO partnerships with the government towards policy; however, there have been cases where NGOs have had direct influence on policy-making in China.

In fulfilling the complementary role through the policy implementation function, many local NGOs and INGOs often use personal connections to engage with government. Factors that impact on NGO engagement include the attitude of government officials as well as the site of decision making in a political system (see Diagram 1). Through the Paulson Institute's founder, the INGO is able to engage with the government as the founder had a previous relationship with Chinese policy-makers (Interview I10, 15 July 2015). Also, through this

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<sup>66</sup> The CPPCC provides a discussion forum for some non-party intellectuals and prominent figures with no party affiliation; it also provides the party and the NPC with expertise that is helpful for policy-making. "It acts as an advisory body to the NPC" (Saich, 2015: 2).

<sup>67</sup> Interview I6, 11 June 2015; Interview I10, 15 July 2015; Interview I2, 24 June 2014; Interview C17, 17 July 2015; Interview C8, 1 July 2015



relationship, they have been able to work with some government departments such as the SFA to develop a blueprint for the protection of coastlands. Another way to directly engage in policy-making is through employing an influential person, such as an ex-minister or a legal expert, who is an insider in policy-making circles. This strategy is not unlike that of other NGOs worldwide, as indicated in Diagram 1. “Although these networks enable cooperation, several NGOs have distinguished this type of cooperation from institutionalised channels” (Salmenkari, 2014: 149).

Public forums are also organised and hosted by Chinese national NGOs as well as INGOs. Often government officials and policy-makers are also invited to these forums, where information can be shared between NGOs and officials. Also, the bigger NGOs can invite the smaller grassroots NGOs to these events and share their knowledge with them. “In other cases, NGO activists lead the way to greater citizen participation by concluding information sessions and providing advice and legal support” (Shapiro, 2012: 104). In these informal settings information and expertise is shared and potential policy can be affected if an official is inclined to listen. In this regard, the factor concerning the attitudes of public officials is important as they can decide whether to listen to NGOs and take the information to the next level of government policy-making.

### ***Platform for public engagement - letters to officials and petitions***

In the adversarial role, NGOs can attempt to hold the government accountable and to some extent challenge it on a platform for public engagement such as writing letters and initiating petitions, but this is all very limited and controlled. Some NGOs combine a media campaign with calls and letters to the government. These can be open letters signed by NGOs and specialists, or letters sent by individual citizens to the government (Salmenkari, 2014). During the years 1998-2002 construction specialists and Chinese scholars petitioned the government to keep the height of the Three Gorges dam “at its original proposed level of 156 meters” rather than 175 meters (Lin, 2007). “If the dam were higher, they said, this would have an impact on resettlement plans, dam sediment, and the surrounding environment” (Lin, 2007: 168). Concern in society and criticism of the government were represented through these petitions and letters. A small number of people questioned the government via letters; hence, the Central Committee of the Party issued its official reply. “This indicated no substantial changes in the government's policy, but it did show that the state can no longer afford to ignore the voices of society” (Lin, 2007: 168).



*Public contestation of government – NIMBY protests and the absence of NGOs*

NGOs also challenge and hold the government accountable through public contestation, for example, through collecting research (evidence), social media and the internet. While thousands of environmental protests by Chinese citizens occur every year, this is not a method that NGOs use. If they should carry out protests or show any kind of open contestation towards the government, NGOs could have their organisations shut down, so many prefer not to initiate protests or participate in them. Still, the rise in environmental protests by Chinese citizens could be seen as having an effect on government policy-making. The Chinese government has taken serious action against polluting companies and industries, as well as changing and adopting new legislation on pollution control.

In some cases, localised pollution has fuelled public protests, especially in cases of pollution causing “cancer villagers”,<sup>68</sup> where citizens have lost their lives or became seriously ill due to pollution (Shapiro, 2012). Unlike for NGOs, carrying out protests is not a high-risk activity for frustrated citizens and hence they take their chances with openly challenging the government in this way. For them pollution is seen as personally dangerous as family members die or fall seriously ill as a result of the pollution, so they do not have the same concerns as NGOs. Protests occur beyond NGOs. Still, they can be occasions that NGOs use constructively to challenge government (e.g. writing letters to the government regarding high pollution levels and its negative impacts). Thousands of protests took place in China over the last decade with citizens using social media like Weibo (the Chinese version of Twitter) in order to get momentum going on protests (Shapiro, 2012). For instance, “citizens mobilised themselves via cell phone messages to rally against a paraxylene (PX) chemical plant planned by Xianglu Tenglong Group” in the coastal city of Xiamen in Fujian Province in 2007 (Shapiro, 2012: 124).

Another example is when citizens opposed the building of a magnetic levitation rail line through their neighbourhood in Shanghai in 2008. By using simple wording in messages, the citizens organised themselves to “take a walk” on certain days; “the phrase is so innocuous and the words in it so common that it cannot be filtered and banned, and participants cannot be arrested because they claim that they just happened to be in the area” (Shapiro, 2012:

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<sup>68</sup> Cancer villagers are “small communities near polluting factories where cancer rates have soared far above the national average. Chinese media, academics and NGOs estimate that the country is home to 459 such “villages”, spread across every province except far-western Qinghai and Tibet” (Kaiman, 2013).

1224-125). This has opened up another space in the civil society arena where citizens are using protests as a platform to fight for their environmental and health rights. Protests in China are, however, illegal and are therefore very quickly shut down and rarely reported on.

Similar to protests, the informal mechanism of using publicity stunts is also something that NGOs do not utilise in China. Attracting attention in a negative way and openly challenging the government is not something NGOs do in China. Even NGOs such as Greenpeace, which are infamous for publicity stunts, do not use this mechanism and prefer to work together with the Chinese government on a pressing matter.

***Public contestation of government: using the media and the internet to mobilise the public and hold environmental violators accountable***

Attracting the attention of the right government officials through media, protests and other informal means is still viewed by many people as the most effective way to achieve a resolution of problems (Wang, 2012). In authoritarian China the media is censored by state-run entities; however, some NGOs have formed alliances with the media such as investigative journalists and newspaper editors (Shapiro, 2012). For instance, the magazine *Southern Weekend* “repeatedly publishes environmental stories at considerable risk to its editors and writers” (Shapiro, 2012: 125). They do this despite firings and demotions. In the case of the *Southern Weekend*, “the publication’s prestige and moral authority have allowed it to remain open” (Shapiro, 2012: 125).

A large number of environmental groups are also using the internet and social media as tools to get messages across about events and protests (Shapiro, 2012). Chinese NGOs have extended their work in citizen and consumer survey research, publicising their findings on websites and via social media, but also partnering with official think tanks and governmental agencies to make their findings known (Shapiro, 2012).

In March 2005, the media reported the news that the Yuanmingyuan Administration was carrying out a project to line the park’s lakebed with plastic membrane to prevent seepage (FON, 2007).

The project would have large-scale negative impacts on the environment, so FON, in partnership with environmental experts, citizens of Beijing, and other environmental NGOs,

“immediately held seminars on this issue and collaborated with the media in exposing the possible consequences of the project” (FON, 2007). This action led to SEPA holding a public hearing on the project and inviting the public and NGOs to attend the hearing (FON, 2007).

Social media have also become a means of petitioning. Through new techniques of membership drives, petitions and blogging, social media have become powerful tools of political power for NGOs. For example, a Greenpeace China campaign was designed to pressure “Nike and Adidas to remove hazardous chemicals from their supply chains” so as to stop polluting the Yangzi River. Greenpeace members were asked to sign a petition (Shapiro, 2012). Social media are used to show Chinese citizens the extent of environmental problems in the country as well as allow citizens to share their concerns, knowledge and methods to address the issues. The internet is used as a “communication tool and a public space, in facilitating and channelling dissent” (Sullivan and Xie, 2009: 422).

Because Chinese environmental NGOs are not always able to use the adversarial and advocacy strategies or schemes available to NGOs in pluralist democratic countries, the internet signifies an opening for activists, given these constraints (Sullivan and Xie, 2009). The anonymity of cyberspace “offers room for expression in a relatively uninhibited space” and has low costs financially and socially for activists (Sullivan and Xie, 2009: 424). Consequently, for small environmental groups, especially those in the emerging phase, the internet is a lifeline (Sullivan and Xie, 2009). One example is Green-Web, an environmental group that has approximately 4,000 registered users (Yang, 2005). The environmental website acts as “a space for online discussion and information exchange” (Yang, 2005: 58-59). For example, in 1999 online discussions by Greener Beijing about recycling batteries “inspired some middle school students in Xiamen city to organise a successful community battery recycling programme” (Yang, 2005: 59). The internet also makes up for a lack of resources and helps to overcome some political constraints for web-based organisations (Yang, 2005). By running their organisations through the internet, web-based organisations avoid the restrictions that come with registration of an NGO.

### ***Brief summary of points***

Despite these opportunities for informal participation in the environmental sector, “there is continued repression of environmental activists and ordinary citizens, who face monitoring, detention, or imprisonment because of their protests” (Shapiro, 2012: 104). This speaks to points in the literature regarding civil society in authoritarian political systems. Often in these

settings NGOs are prone to constraints and even the arrest of members, if they do not adhere to the central government's rules or their prohibition of political ideas in the work of NGOs. Environmental NGOs in China are usually not part of protests, nor are they the instigators of these protests. Their organisations and operations will be shut down by the government if they are found to be involved, according to NGO representatives. Environmental protests can, however, be viewed as another space where China is seen as moving towards democratisation.

## **5.4 Conclusion**

This chapter provided an empirical study of governing systems and political participation, particularly in an authoritarian setting. Environmental NGOs do have a role in conservation policy in China, but they cannot challenge the government. Also, recently there has been a closing of political space by legislation, evident in the new law on foreign NGOs. The chapter first provided a historical account of the role of environmental NGOs in China, which set the scene for further investigation as well as explaining the shifts in the roles of NGOs and how the political system has shaped those roles. We saw that during the different historical phases (the Mao period, post-Mao and from the 1990s) NGO roles shifted with the changes in the political system. The political system changed from being opposed to civil society to opening up; however, strict and controlling regulatory frameworks remain for this sector. The chapter then examined the institutional settings for political participation in China's conservation policy. It did this by specifically looking at formal institutional settings such as participation processes set out in the country's environmental regulatory frameworks relevant to conservation policy. Examples of where roles are fulfilled by China's environmental NGOs were also provided. Still, for the most part there are no formal processes for NGOs to participate in policy-making. While the government has included some public participation processes, NGOs are not given any roles in those formal avenues. Lastly, the chapter looked at informal institutional settings for political participation and also included examples of NGOs carrying out roles through these processes. Most NGOs use informal arrangements in order to get their message across and raise awareness of issues, thereby potentially impacting on the policy process. Moreover, the majority of the NGOs agreed that this was generally the only way to have an impact on policy, as in most cases the government has to invite you to be part of consultations or policy-making.

Findings in this chapter showed that environmental NGOs in China fulfil two roles in terms of Young's definition and have an impact on conservation policy through partnerships with the government in policy formulation, policy implementation and policy monitoring; providing services in the form of formal and informal environmental education and awareness programmes; and monitoring activities. However, this mainly occurs through informal institutional arrangements as there are no formal processes for NGO participation in environmental regulation, besides the EIA participation law and the law that allows NGOs to take polluters to court. This can be understood as being complementary to government functions, and not as challenging government. It might be challenging to the local government and other sub-levels like counties etc., but it is not a challenge to the powerful central government. In this way, NGOs are seen as helping the government to implement policies rather than challenging them.

In China NGOs appear to fulfil all roles, but the political system shapes the roles as the adversarial role, as outlined by Young, is not possible. It looks as if the adversarial role is possible since NGOs do challenge enterprises and MNCs, but this is not in fact the case, as they are not challenging and/or holding the government accountable. Findings show that environmental NGOs in China use mostly informal mechanisms. It also seems that the government, given its authoritarian political system, prefers it that way, as it is a means to keep strict control over NGOs and their operations in the country.

Also, the fact that mostly personal relations and informal networks are needed to have an impact on policy or influence policy-makers, again illustrates the point in the literature regarding privileged access to policy-making. Even though outside actors have been welcomed into the policy process through the NPC, these actors had to be invited to the process. This includes academics and technical experts as well as NGOs.

Because of the growth of the environmental NGO sector, some may believe or assume that civil society in China is contributing to democratic practices or democratisation. While it is easy to think or assume this because environmental NGOs have grown so dramatically over the last two decades in China, in fact the authoritarian political system and the Chinese government have very significant influence over the roles and actions of NGOs. This is illustrated in their strict registration process and their authority to oversee NGO operations. It is further seen in the fact that NGOs cannot have a political agenda. Human rights and gender equality NGOs are treated far more harshly than environmental NGOs. However, if an

environmental NGO is seen to have a political agenda, it will face harsh consequences. Also, the fact that NGOs do not initiate or participate in environmental protests, which are important social tools in Western countries and civil societies, again illustrates the differences in civil society sectors in authoritarian settings.

## Chapter 6. Assessment and conclusion

### 6.1 Introduction

The political systems shaped the roles of environmental NGOs in conservation policy in South Africa and China, as could be expected and as the previous chapters have illustrated. Yet the findings in this regard were different than expected and is discussed in detail in this assessment chapter. We do see that NGOs in both South Africa and China play all three roles in the political systems as described in literature; with hindsight, they are active in playing supplementary as well as complementary roles to the state, and – somewhat contrary to expectations – also in playing an adversarial role. For South Africa, the policy process was expected to be open and for NGOs to have a role to play in policy-making. For China, as an authoritarian system, the expectation was to find a closed policy process and hence NGOs would be expected to have limited roles to play in policy-making. But when we look at the different roles in detail, we find pertinent differences (see section 6.3). We found interesting nuances in China, specifically with the adversarial role, as discussed below. The first discussion in this assessment, however, turns to the new governance processes in section 6.2, discussing the types of new processes found in both countries as well as issues such as privileged access to the policy process. In the last section of this assessment chapter, we turn to the discussion on whether or not environmental NGOs are schools for democracy (see section 6.4). We conclude the chapter with recommendations for future strands of research.

### 6.2 New governance processes and critical concerns: comparing South Africa and China

As shown in Chapter 2, new governance processes have been introduced but do not function similarly in the different regimes; moreover how open the system is may also differ and impact on the implementation of the new governance processes. In South Africa public participation processes are constitutionally required in policy-making and are often held in public forums. Draft policies such as Green and White Papers are also open for comments by the public, thus opening avenues for NGOs' participation. During this process further consultation with policy-makers can take place where necessary. In China there are some avenues for public participation such as commenting on EIAs and/or making use of hotlines to lay complaints regarding environmental violations. However, these mechanisms are participatory in a broad sense and in theory only. In most cases the government invites technical experts from academia or NGOs to contribute to policy-making during informal



consultations. Also, because policy-making in China mainly takes place within party structures (and hence among party officials) and appears to be a top-down process, we cannot say that there is genuine deliberation on policy.

With new governance processes citizens are invited by the state into governance spaces, thus, as Taylor (2007) makes the point, the state creates and defines the space. This gate-keeping by the state is a point of concern for both regime types, but it plays out very differently in China and South Africa. In China selecting stakeholders to participate in policy-making takes place when actors are “invited” to a forum or meeting with the government. In South Africa there are also situations where selected stakeholders are invited to a policy process, as the government or relevant department already has a list of stakeholders involved in that particular policy area. Yet, stakeholders who do not feel represented can demand to be added and litigate their case as these processes are formalised. In any case, by inviting actors into government spaces, I can already see the limitations within the participation process, particularly on their potential to have an impact on policy.

Some of the new governance processes have been identified in both countries. In South Africa public forums must be held at all levels of government. For instance, provincial and annual national public forums are held on the conservation issues of wetlands or fynbos. Roundtable discussions and dialogues in policy-making are held and are often hosted by the NGOs, who then invite government officials to join. Policy dialogues are also hosted by the government’s biodiversity think tank, SANBI, which then invites inter alia NGOs, conservation experts and academics to participate in their discussions and provide input. Similarly, South African environmental NGOs participate in policy-making dialogues such as commenting on draft policy and through consultations with government, if this is required. In the designation of new protected areas, for example, NGOs can initiate the establishment of a new protected area, send in an application to the provincial government, for example, and then later on comment on the various public participatory processes. Partnerships of all kinds are also seen in South Africa’s conservation sector. NGOs partner with the different levels of governments, depending on the issue at hand. In the Western Cape specifically, NGOs and government and other interested parties partner on the Biodiversity Stewardship programme whereby the government (provincial in this case) concludes agreements with private landowners to have their land declared protected. As part of the process, NGOs manage the areas, making sure it meets the standards of protected areas.

China, as an authoritarian system, is also experimenting with new governance processes, but mostly at an informal level. The government invites outside actors to forums or roundtable discussions, but not in a formalised way. The central government thereby maintains its gate-keeper monopoly in controlling who is allowed into the policy-making process and tries to control who can influence the process. In China's conservation sector public forums are usually hosted by international organisations such as the Heinrich Böll Foundation (HBF)<sup>69</sup>, the IUCN, and/or large, internationally-connected NGOs such as WWF China. In these public forums government officials and other NGOs are invited to have discussions around a particular topic and share their views. These forums are regarded as an opportunity for NGOs to have an impact on policy by sharing their technical expertise. Roundtable discussions, focus groups and dialogues in policy-making may take place in China, but NGOs have to be invited to participate. One of China's formal processes in policy-making that includes outside actors is "consultations." In most cases technical experts and academics are invited to deliberate on draft policy during consultations. These deliberations do not take place in public forums, but rather held privately or within the party political structures. Partnerships of all kinds between NGOs and government are also seen in China, but mostly in informal arrangements. Exceptions are a formal partnership between The Nature Conservancy (TNC), an INGO, and the Yunnan provincial government on a defined project. The two sides came together by the invitation of the Yunnan government to TNC to help them develop a national park system for the province as well as regulations for national parks. Here, an NGO was invited to partner with government in order to be part of a limited and defined policy process. This entire process of having to invite experts to consultations keeps ultimate control with government in China. In contrast, in South Africa the process is one of shared responsibility. In this regard I can see how restricted (and restrictive) the system in China is towards NGOs, despite seemingly participatory processes, while in South Africa formal institutional processes create opportunities for NGOs to participate in policy-making.

One of the points of reference for this dissertation is the governance literature, discussed in Chapter Two, with many scholars criticising the somewhat often optimistic literature on new governance processes. Notably Fung (2006) has pointed to other issues that need to be considered in an assessment, such as who participates and/or who is invited to participate in policy-making; also, who has the resources to participate in the process (as discussed in

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<sup>69</sup> The HBF is the German Green Political Foundation.

section 2.2.3 in Chapter Two). In South Africa the system is open to the public with various formal processes for public participation. In conservation policy, before a new protected area is designated or a current area is expanded, for instance, all interested and affected parties have to be consulted and allowed to comment on designation and/or expansion plans. In terms of linkages between the deliberations that take place and the policy action that is implemented in South Africa, most environmental NGOs have contributed to developing environmental policy, especially the 1998 Environmental Management Act (NEMA), as discussed above.

In China the system mostly includes elite stakeholders such as scientific experts and academics. In terms of communication, lower levels of government receive information regarding policy and implements the provisions where necessary. Generally, a top-down way of doing things is seen: the public receives this information rather than forming part of participatory processes. In terms of linkages between the deliberations that take place and the policy action that is implemented, in China the TNC-Yunnan government partnership developing a national park system and policy is one example. Still, in most cases there are no formal linkages between deliberations and policy actions as far the relationship between NGOs and the government is concerned.

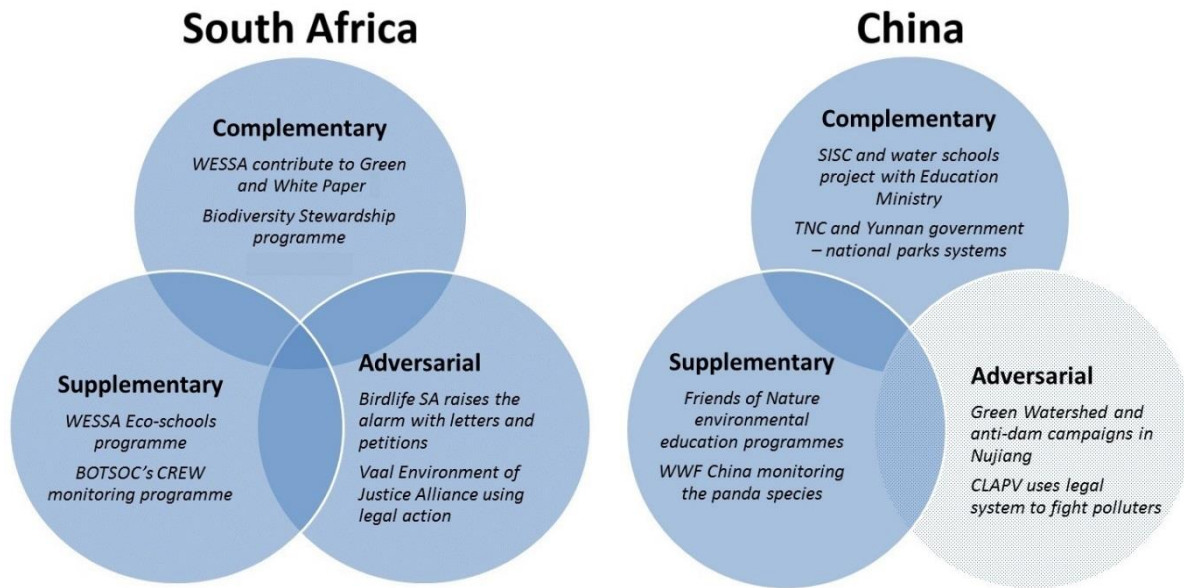
An additional limitation on participation is the availability of resources. In South Africa, who participates is not dependent on how widely or narrowly the policy process is defined (as an inclusive process is always required and can be demanded). Rather, a key question to ask is who has the resources to participate, and in effect there are some socio-economic limitations on participation. In China, for its part, administrative selection determines who is invited to participate. In China any voice that may be challenging to the government and does not have a certain entitlement or status may be shut down or ignored. In South Africa often larger, well-known NGOs with status may be more privileged and gain access to policy processes, unlike other smaller, lesser known NGOs. Moreover, governments fulfil an important role in creating the space for political participation by shaping access and sending a message on which actors are legitimate, as shown by Laforest (2013). In both South Africa and China the legitimate actors are often the larger environmental NGOs, mainly because they have the resources and funding, as well as access to research and knowledge (government assesses relevance and credibility), which comes with the capacity to undertake more high-level tasks than might be possible for local or grassroots NGOs (which might have high legitimacy,

though). In a further complication of the discussion on control over access, sometimes NGO funding comes from the government through projects in which the NGO plays a supplementary role. Projects can be carried out either by NGOs that have the resources, or the government may choose to give the opportunities and funding to NGOs that do not have resources. This is intended to help them build their organisations so that they can become key partners of government later on and be given privileged access to policy processes.

In brief, the concept of governance calls for a diverse group of actors to take part in the governing process. Yet there are many other factors that further determine who is actually allowed into that policy space and hence factors such as finance, resources, size of membership, the site of decision making and the attitude of officials have an impact on whether or not NGOs can participate in the policy process. While new governance mechanisms are potentially increasing inclusion and participation, they allow for numerous control mechanisms beyond the level of the outright suppression of organisations. Yet this ultimate control (over the existence of organisations) is also applied in China. In China NGOs have to work within the institutional arrangements of the authoritarian political system in order not only to influence policy in some way, but also to operate and keep their organisations open. In the authoritarian system the fundamental institutional arrangements (sources of finance, involvement of foreigners, etc.) are much more tightly controlled and open to only a limited number of actors or organisations.

### **6.3 Comparing the roles of environmental NGOs in China and South Africa**

Environmental NGOs in both China and South Africa play all three roles as described by Young (2000) (see Diagram 2). However, in China there are some marked differences in the way that the adversarial role is understood and practised.

**Diagram 2: comparing the roles of NGOs in South Africa and China**

Source: Diagram based on Young (2000)

Various institutional arrangements for political participation are set out in regulations for the public in South Africa, including a clear role for, and expectations of, NGOs in the policy process. Similarly, a few institutional arrangements for political participation are set out in regulations for the public in China, but besides the revised EPL law permitting NGOs to take legal action against polluters, there are no other formal arrangements for NGO participation specifically in policy-making. Informal arrangements are also identified in the roles of environmental NGOs in policy. In both countries informal arrangements are used as a function to impact on policy-making and are often the preferred means of doing so by environmental NGOs.

The next section draws conclusions regarding the findings from the empirical studies on the roles of environmental NGOs in conservation policy in both countries.

### 6.3.1 Supplementary role

In both China and South Africa NGOs fulfil the supplementary role through different mechanisms. However, in South Africa the role is mostly fulfilled through formal mechanisms for participation in South Africa's environmental policy, as it includes roles for NGOs. In South Africa both local- and national-level NGOs provide environmental education and awareness programmes. For the most part, formal environmental education in schools

and so forth are provided by the larger NGOs; however, local NGOs also carry out formal programmes in partnership with larger NGOs (e.g. the ECO-schools programme, by WESSA and the local NGO Beyond Expectation Environmental Project). Many of the larger NGOs have also developed and published reports and books that speak to a specific environmental problem such as WESSA's reports on the elephant-poaching crisis in KZN used to create awareness among the public. Most NGOs also carry out informal educational programmes using various mechanisms such as education in conservation areas, public events, and the media and the internet to raise awareness of an issue.

In China's environmental policy formal mechanisms for public participation also include the functions of the supplementary role; however, NGOs are not specifically mentioned in this regard. Most local and national environmental NGOs still provide environmental education and awareness programmes. NGOs such as the Shangri-La Institute for Sustainable Communities (SISC) provide formal environmental education on sustainability issues to schools and colleges. The NGO also uses informal education programmes to teach rural communities how to use the land and natural resources sustainably. Additionally in this function, NGOs use various means to educate the public and build awareness such as programmes and events, as well as social media and the internet. For example, in trying to educate the public and create awareness around the major international issue of elephant poaching and the use of ivory in China, TRAFFIC developed awareness campaigns using celebrities to do advertisements on the killing of elephants in Africa and how ivory products bought by Chinese citizens are contributing to the crisis.

In the monitoring aspect of this function, the South African regulatory framework further illustrated the openness of the country's political system by including monitoring roles for SANBI as well as outside organisations to share their scientific knowledge and expertise as well as to monitor environmental policy. For these reasons, factors such as funding and resources would have more of an impact on shaping the roles of NGOs rather than the political system because scientific research and monitoring skills require huge sums of money and skilled capacity. Therefore, in most cases the monitoring function is fulfilled by the larger national NGOs which have the resources and the capacity to do so. Still, the grassroots NGO, KEAG, has developed and published books on wildlife species in the Southern Cape. This initiative was funded through private donors, which links to the factor regarding environmental NGOs and their historical history of privilege in South Africa. Even though it



is a local NGO, KEAG still has access to donors with the financial resources to back the NGO. In most cases of local NGOs, such as BEEP or Soapkidz, they only work to provide environmental education to the public through basic programmes and usually leave the monitoring function to large NGOs with major resources to do so.

In China's regulations on the monitoring aspect of this function, the law speaks about relevant departments and government think tanks carrying out this function, but does not mention public stakeholders. Still, NGOs fulfil this role and, similar to South Africa, it is mostly the large NGOs (such as TNC, Global Environmental Institute [GEI], WWF China, the Paulson Institute and Friends of Nature) that have the means to carry out these functions. However, this is not done as a formal role or an institutional arrangement. NGOs carry out this function on their own accord in order to contribute to the knowledge of the environment in China. For instance, TNC has carried out this function in the monitoring of the threatened Yunnan Golden Monkey species, which was near extinction. Through TNC's work in monitoring the species as well as educating the relevant communities, the population of the monkey is growing (Herrin, 2015). Nevertheless, while there are examples of this role being fulfilled in China, the country's registration regulations on social organisation have implications for NGOs performing this role. Limitations include their geographic reach as they cannot establish groups in more than one area, thus limiting their monitoring capabilities to a local area. A supervisory body may use its authority to influence research findings and what may be used in research reports. Additionally, funding is a major concern and limitation for NGOs. Most funding of NGOs comes from overseas sources and INGOs, and these sources of funding may decline in the future (because of the recent law on foreign NGOs in China).

As a result, while South African environmental NGOs fulfil this role through regulatory frameworks, Chinese NGOs perform them without regulatory backing and sometimes through informal partnerships and/or interactions with the government.

### **6.3.2 Complementary role**

Both China and South African environmental NGOs fulfil a complementary role to government activities. In South Africa this includes formal mechanisms for participation in the institutional arrangements of the country's environmental policy. For the most part it is the larger NGOs with access to funding and resources that carry out these functions. As

shown with the examples of national-level NGOs such as the WWF, EWT, WESSA and Birdlife South Africa in Chapter Four, they are the organisations that have large paying memberships and also sometimes have access to overseas funding; hence, these NGOs are able to engage in the policy process.

Most of the NGOs listed participate in policy formulation through commenting on draft policy; they carry out the function of policy implementation, for instance, in managing protected areas on behalf of government; finally, they also participate in policy monitoring, for example, contributing to SANBI's work in monitoring biodiversity and the implementation of environmental policy in the country. Policy monitoring can be done within a supplementary or complementary understanding, i.e. NGOs stepping in where the state cannot act (supplementary) or stepping in on behalf of the state (complementary). Local NGOs, on the other hand, do not have these resources and, thus, they focus on smaller, community-based initiatives. KEAG, however, is an exception as the local NGO also has interactions with the City of Cape Town (local government), where it has fulfilled various policy functions such as the management of the Witsands-Soetwater Coastal conservancy, a conservation area. The NGO was able to carry out this function because of its good relations with the local government, which also knew the NGO had the skills to manage the conservancy.

These points illustrate how South Africa's political system is open to NGOs and encourages their institutionalising participation in various regulatory frameworks. Therefore, other factors such as funding and resources impact on the roles of NGOs in policy processes more than the political system does. While South Africa's system is clearly open to NGOs and their participation in the policy process – this has been illustrated historically – there may be changes in government that could lead to less inclination to include NGOs in formal processes. This would require legal changes, though, and thus would have to happen under public scrutiny, and consequently the protection of the current performance of roles is relatively high. Since the transition period NGOs have increasingly challenged the government and held it accountable, especially in the wake of development initiatives that may have effects on the environment; thus the government may not always want to include NGOs in particular processes. So far this has not transpired, as most NGOs prefer a non-conflictual relationship with the government. Only in some cases – for instance, when mining companies want to move their activities into and around protected areas – have NGOs



challenged the Ministry (i.e. the Department of Mineral Resources) directly involved and also ensured that they have the relevant environmental government department backing their stance during deliberations.

In China NGOs have also increasingly participated in the environmental policy process in various ways. However, they are fulfilling the complementary role mostly through informal arrangements and with substantial implications. The effects of newer legislation have not yet been included in this statement and might impact negatively on NGOs' ability to engage in policy-making. New laws such as the law on foreign NGOs are limiting space, or rather they widen administrative leg-room for government interpretations and substantial control. The legislation requests NGOs to share all their organisations operational work and financial statements, for instance. Moreover, foreign NGOs have to register with the Ministry of State Security rather than the Ministry of Civil Affairs, which indicates that they will be under intense scrutiny. This has already led to INGOs planning to leave the country, as they cannot carry out their projects to the best of their abilities under such conditions. Historically, INGOs have the most resources and skilled capacity in the environmental field; therefore, it would be a great loss to China if INGOs leave the country, given their capacity. While local Chinese NGOs are increasingly building their own capacity in the field, the more hands available to address environmental challenges in China, the better for the environment. This point illustrates how the political system controls and shapes the roles of environmental NGOs in China, unlike in South Africa, where access to funding and resources has more impact on the practice of NGO work.

### **6.3.3 Adversarial role**

In South Africa and China the adversarial role is played in distinct ways. In South Africa there are a number of environmental regulations for public participation and rights within the Constitution that speak to the public and NGOs fulfilling an adversarial role towards the government. The public has the right to protest, for instance; therefore in the South African case many functions of NGOs in this role – such as drawing up petitions, holding protests, and/or taking environmental offenders to court – are contained in formal institutional arrangements. These points include (the public) challenging both state actors (on policy and implementation) and non-state actors (on adherence to legislation). In contrast, in China writing letters to the media, petitions and so forth are considered informal functions of NGOs. In fulfilling the “adversarial” role in formal institutional arrangements in China,

environmental NGOs have currently been given legal rights to sue polluting companies and other actors, and to do this in the interest of the public or victims of pollution (Environmental Protection Law, 2015). While this is a positive advancement for environmental NGOs in China, limitations persist. First, only 700 NGOs (who fulfil certain criteria) out of 7,000 social organisations that are currently registered with local and central governments in China have been given these rights. NGOs eligible to pursue lawsuits according to the new law must be registered with Civil Affairs departments at the prefecture level or above; they must have been active in environmental activities for at least five years; and they must have no illegal offences on record (Zhang, 2015). Secondly, it remains an expensive affair for NGOs to take polluters to court, as they need major financial resources as well as their own lawyers to carry out this role.

The examples used in this dissertation also illustrated that in South Africa both local- and national-level NGOs use formal arrangements to challenge and hold environmental violators accountable, *be they government or other actors*. This is very different to the case of China. There, openly challenging the government risks being viewed as opposing the CCP. Specifically at the level of central government – and thus the core of the system – this could be a very risky endeavour. Environmental protests by Chinese citizens have been increasing across the country, but are suppressed. Environmental activists and ordinary citizens who step out of bounds as far as the government is concerned, or INGOs who appear to be fostering Western ideology and practices in the country, face increased monitoring by the government. NGOs who participate in protests face having their organisation being shut down. However, fulfilling this role is challenging and holding accountable lower levels of government and enterprises (specifically foreign enterprises and less connected ones) may be considered positively, as it is a means to support policy implementation for the central government. Still, strict laws and newly enacted regulations *de facto* limit NGOs to sub-national level or individuals, thus making the supposedly “adversarial” role rather a supplementary or complementary role to that of the central government. Additionally, during the course of the research for this thesis regulations have been further tightened, making it more difficult to fulfil even this restricted understanding of an “adversarial” role.

#### **6.3.4 Making use of informal arrangements: comparing the impact of environmental NGOs in China and South Africa's policy processes**

Informal arrangements in order to perform the relevant roles are important in both South Africa and China. While examples are provided in the empirical study on China where NGOs have partnered with government in all three policy functions, it is nevertheless essential to highlight the fact that there are few formal institutional arrangements for these functions. NGOs do not have the authority or the right to participate in various policy processes, and therefore informal processes have to be used if policies are to be influenced. This speaks to governance and participation issues, where outside actors are sometimes invited to participate in policy processes. In China the government invites NGOs or scientific experts to consult on policy or new pilot policy projects. In this way the government is able to maintain a distance between the NGO and the actual policy process. Even in cases where environmental NGOs and academics as a collective have made contributions to the National Peoples Congress's public proceedings, the government managed to prevent the issue from being pushed forward, as shown during a revision of the 1994 Regulations on Nature Reserves (see section 5.3.1.3). Consequently, most NGOs use informal functions and personal relations with government officials in order to have an impact on policy-making.

In fulfilling the complementary role, most South African environmental NGOs prefer to use personal exchanges and discussions with government officials in order to get their points across and potentially have an impact on policy-making. Most of the NGO representatives interviewed stated that in most cases this is the only way to have such an impact. Thus, while South Africa has an open regulatory framework for public participation in policy, informal methods and functions are still used and, in fact preferred, as interviewees stated.

In China informal arrangements are often the only means to impact on policy-making for environmental NGOs and are utilised to fulfil all of the three roles. Having the leader of the NGO know someone in government or having previously worked for the CCP is often the only way to gain access to policy processes, as was argued by participants. Moreover, increasingly environmental GONGOs appear to be used as a means to gain access to the government or to policy processes. Most NGOs or international organisations have good relations with GONGOs, who invite them to forums and discussions. Also, GONGOs have increased their capacity and have begun to broaden the range of activities they work on. This

includes working with NGOs, who are then able to gain access to the government and policy processes through GONGOs. The latter, however, thereby remain effective gate-keepers.

#### **6.4 Is civil society contributing to democratic traditions or maintaining authoritarian structures?**

Within the literature on traditional civil society, NGOs are regarded as a force for sustaining democracy, both by increasing participation, but especially in terms of challenging the state and by being a voice for citizens on issues (see Chapter Two). As discussed in the respective chapters on China and South Africa, civil society contributes to building skills among the public, which is another function of civil society in enhancing democratisation, according to Diamond (1997). Civil society in South Africa does contribute to maintaining democratic ideals by challenging the government, holding it accountable as well as mobilising the public. However, most environmental NGOs prefer a complementary role over an adversarial role towards government, but do hold government accountable where and when it is necessary. Environmental NGOs in South Africa thus fulfil the roles of civil society as represented in the literature. Despite the growth of NGOs in China and their informal inclusion in policy-making in environmental issues, with hindsight civil society is not fully capable of fulfilling an adversarial role to government and being a voice of public protest, as argued above. Involvement in NGOs, however, provides certain policy-engagement skills to individuals that can contribute to policy implementation. Authors have increasingly written about the concept of civil society in authoritarian settings, making arguments for their functions within those settings, as noted in Chapter Two. In this body of scholarship, civil society and NGOs specifically are regarded as “schools of democracy.” The present thesis makes a more sceptical assessment of this view.

In their adversarial role Chinese NGOs are severely limited and the government keeps a close eye on any potential organised opposition (e.g. by administratively restricting registration of NGOs). In China civil society and NGOs cannot directly challenge the government or hold them accountable, as this is viewed as a challenge to China and the CCP in particular. Groups who attempt to challenge the government can face detention or their organisation being shut down. Environmental NGOs may challenge MNCs or foreign actors in China and hold them to account for environmental violations, but the government itself is not challenged. More often than not, NGOs partner with the government or provide a supplementary role in services that the government cannot render. For these reasons, it is not that civil society in

authoritarian China contributes to maintaining the system per se, but it is clearly “guided” by the administrative framework – and are ultimately forced to play by the rules or at least fulfil their roles within the context and limitations of the system. While China appears to be increasingly opening up to civil society organisations and NGOs (which are multiplying in number), many constraints on these groups remain in place through institutional arrangements and consequently limits their impact on policy-making. Such constraints include intense scrutiny by the government, detention and/or arrests if the NGO is perceived to be spreading anti-China or anti-government ideas. Ultimately, the political context is important, particularly in shaping the nature of civil society and the impact it has on democracy. Consequently, most NGOs use informal arrangements and functions to get their message across or raise awareness of an issue in China. This can, in some instances, be successful. But it does not provide the sort of external checks on central government or key political players.

## 6.5 Conclusion

The political system shapes the roles of NGOs in more than one way. This dissertation has found that in both South Africa and China all three roles of NGOs as presented in literature are fulfilled to some degree. In South Africa all three roles are fulfilled through *formal and informal* institutional arrangements; however, often factors such as finances and resources are what gives NGOs access to participation in the policy-making process. We mostly see NGOs with large memberships, funding and capacity participate in the policy process or have access to government officials. In China all three roles are also in evidence, mostly through informal arrangements, as there are very few or limited formal processes for participation. However, in contrast to South Africa, if and when environmental NGOs play an adversarial role in China, it is restricted to challenging actors below the level of the central Chinese government or key political figures.

This raises new questions regarding the roles of NGOs, especially in the Chinese authoritarian system. While NGOs are seen to be included in the political space by the roles they fulfil, albeit in an informal context, we have to ask how effective these NGOs really are, especially within the controlling political system. What kind of influence do they have in the policy process and at what point will the Chinese government include them formally? China’s environmental challenges are increasing. Consequently, the government will at some point need to take expert NGOs on board and work with them to achieve environmental

objectives. The urge and mechanisms to impose control are somewhat counterproductive with regard to the roles NGOs are playing. This is most pronounced in the adversarial role, but limiting one element is likely to have repercussions on the others (e.g. with regard to legitimacy of the actors).

## 6.6 Outlook

This research contributes to discussions on new governance processes and participation, highlighting NGOs' engagement in conservation policy specifically as well as contributing to ongoing debates on civil society and democratisation. Three recommendations for future research are as follows:

The political space in China is changing, especially with new laws enacted on the governance of foreign organisations operating in the country (see Chapter Three). Consequently, and different from the situation at the outset of this research, methodology and data collection faced limitations, as interviews with government officials in China were not possible. This aspect of the study, as well as the issues arising from newly passed laws, could be interesting areas of research for scholars concerned with the current environmental crisis and policy in China. The new laws are setting further restrictions on INGOs, especially with regard to closer scrutiny of their operations, activities and finances, as they are being forced to register with China's Ministry of Security. This change in legislation could lead to INGOs and other foreign organisations potentially leaving China and, as they exit the country, they also take with them expertise, skills, funding and access, as well as scarce resources which China especially needs in addressing its environmental crisis. Many environmental INGOs train local NGOs through workshops. Additionally, INGOs' resources and funding are often what local NGOs depend on in China; therefore, the new laws potentially have long-term impacts as local organisations have to find other sources of funding and rely on their own expertise.

In a similar vein, the debate about authoritarian versus democratic rule is ongoing and merits further research. Further investigation could be undertaken into environmental policy-making in authoritarian political systems that are under immediate social, political and/or environmental pressure. Environmental and other political protests by citizens are increasing across different political systems, especially seen across Asian countries. In China specifically we have noted the growing environmental protests by frustrated citizens who have few formal outlets to voice their frustration. Thus, other mechanisms for expressing

these issues are being used, including protests, social media and the internet. There is a wide body of scholarly work on policy-making in China, but in the specific field of “voice” in environmental concerns, there is a dearth in the literature, not least (and not only) due to the challenges described above. China is currently facing massive environmental degradation and its environmental policy sector is overburdened with challenges.

The link between environmental challenges and the authoritarian political system is a very significant topic for future research. This research is less optimistic about NGOs as seeds of a democratic society in China. However, the political breakdown in many parts of Central Europe was also heavily influenced by insufficient political action on environmental challenges (in the then Czechoslovakia and in East Germany; hence the origin of the idea of a “school of democracy”). The state’s reaction to environmental challenges in China thus remains a point that merits close monitoring. Here specifically, the interesting point will be the evolution of grassroots movements and spontaneous protest groups and possible linkages between them. On the other hand, the authoritarian system in its centralisation potentially has more benefits with regard to longer-term planning than democratic systems have, and possibly the ability for quicker, decisive actions to address challenges, for example. Responsiveness, though, requires good, timely collection, provision and processing of information. How this is organised in China would merit more attention.

While there is a growing number of scholars criticising the literature on traditional civil society in democratic systems, further investigation is needed in this area, especially with a growing civil society in other types of political systems. Additionally, while this study illustrates the example of South Africa, the various engagements of NGOs in policy-making merit further research. On the one hand, in South Africa, as a pluralist system, it is expected that civil society and NGOs can operate freely and openly, yet many other factors need to be taken into account. Amongst these factors are the power of executive councils and leading political parties. The role of the ANC government in South Africa in particular has dominated recent policy-making processes, which makes it more difficult for civil society to influence the process as expected in a democratic pluralist society. On the other hand, by acting collectively, NGOs and other civil society actors could potentially influence the policy process to a greater degree as public participation processes in South Africa are mandatory; refusing to engage in consultation can, in fact, derail policy processes. This was shown recently by the group of South Africa environmental NGOs that prevented the government



from entering into a major nuclear energy deal with the Russian government because public participation processes did not take place. Thus, civil society and NGOs specifically can potentially block legislation through collective action. When and around which topics does collective action occur and what are its driving forces? These and other issues make for interesting topics for future research.

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